

Exhibit 30

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARK I. SOKOLOW, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.
)	04cv397(GBD)(RLE)
THE PALESTINE LIBERATION)	
ORGANIZATION, et al.,)	
)	
Defendants.)	
_____)	

DEPOSITION OF ISRAEL SHRENZEL

JERUSALEM, ISRAEL

OCTOBER 23, 2013

REPORTED BY: AMY R. KATZ, RPR

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Deposition of ISRAEL SHRENZEL, taken in the above-entitled cause pending in the United States District Court, for the Southern District of New York, pursuant to notice, before AMY R. KATZ, RPR, at the American Colony Hotel, Executive Room, First Floor, Jerusalem, Israel, on Wednesday, the 23rd day of October, 2013, at 9:41 a.m.

APPEARANCES:
FOR PLAINTIFFS:

ARNOLD & PORTER, LLP
By: KENT A. YALOWITZ, ESQ.
399 Park Avenue
New York, New York 10022-4690
(212) 715-1000 / Fax (212) 715-1399
kent.yalowitz@aporter.com

FOR DEFENDANTS:

MILLER & CHEVALIER CHARTERED
By: MICHAEL J. SATIN, ESQ.
BRIAN A. HILL, ESQ.
655 Fifteenth Street, NW
Suite 900
Washington, DC 20005-5701
(202) 626-5800 / Fax (202) 626-5801
msatin@milchev.com
bhil@milchev.com

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APPEARANCES (Continued):
ALSO PRESENT:

RINA NE'EMAN, Official Hebrew Interpreter
RUCHIE AVITAL, Check Hebrew Interpreter
RACHEL WEISER, Esq.
DINA ROVNER, Advocate

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WITNESS

Israel Shrenzel

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Exhibit 428	Hebrew Website Article, MEMRI, Dated August 25, 2003 (No Bates Number)	61
Exhibit 429	Arabic Newspaper Article, Al-Quds, Al-Arabi, Volume 12, Issue 3460, Monday 26, June 2000 (Unclear Bates Number)	74
Exhibit 430	Website Article, Israel Ministry of Foreign Affairs, Entitled "Marwan Barghouti Indictment - Appendix - Terrorist Attacks and Activities Carried Out by the Field Commanders and Activists," Dated August 14, 2002 (No Bates Number)	88
Exhibit 431	Arabic Document, Palestinian National Authority, Ministry of Detainees Affairs (No Bates Number)	121
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Exhibit 433	Arabic Document, Palestinian National Authority, Preventive Security H.Q., Ramallah Directorate (Bates P 8: 176)	127
Exhibit 434	Hebrew Document (No Bates Number)	132
Exhibit 435	Article, Israel Ministry of Foreign Affairs, Entitled "Operation for the Confiscation of Terror Funds - Background," Dated February 26, 2004 (No Bates Number)	138
Exhibit 436	Excerpt Document Entitled "9/11 and the Search for a Policy" (No Bates Number)	147

DEFENDANTS' EXHIBITS
PREVIOUSLY MARKED
INITIAL

NUMBER	DESCRIPTION	REFERENCE
Exhibit 422	Document Entitled "Expert Report of Israel Shrenzel in Sokolow v. Palestinian Authority, Case No. 04-397 (S.D.N.Y.)," Dated April 10, 2013 (No Bates Number)	18

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QUESTIONS INSTRUCTED
NOT TO ANSWER

PAGE LINE

12 2

78 3

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I think he would prefer to do the translation. And, frankly, although the initial questions like "what's your name" don't need to be translated, I think if we get in the habit of doing the translation, it's a better -- it will be less confusing to Rina and it will be a better system. So with your permission, I would prefer to do it that way.

MR. SATIN: It's up to the witness.

Q. BY MR. SATIN: Is that what you --

MR. YALOWITZ: You have to speak.

THE WITNESS: (In English.) Yes.

Q. BY MR. SATIN: Do you want to testify in English or in Hebrew?

A. I prefer to speak in Hebrew, which is my mother tongue.

Q. Okay. Mr. Shrenzel, my name is Michael Satin, and I'm an attorney at Miller & Chevalier. I represent the defendants in this case. I'm going to ask you some questions.

A. Go right ahead.

Q. Where do you live?

A. In Tel Aviv.

Q. Is that where you're from?

A. Yes.

Q. Have you lived your whole life in Tel Aviv?

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PROCEEDINGS

RINA NE'EMAN,
the Official Hebrew Interpreter, was
duly affirmed to translate from English
to Hebrew and from Hebrew to English.

ISRAEL SHRENZEL,
called as a witness, being first duly
affirmed, was examined and testified
as hereinafter set forth.

(The following section of the proceedings was
conducted through the Official Hebrew Interpreter,
unless otherwise indicated, and until page 64.)

EXAMINATION

BY MR. SATIN:

Q. First, Mr. Shrenzel, would you please state
your name and spell it for the record.

A. Israel Shrenzel.

MR. YALOWITZ: So if we could just pause, what
I think we should do -- and we can do it on the record.
What I think we can do -- Mr. Shrenzel, as he says in
his report, is conversant in the English language. But

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A. Yes.

Q. When were you first contacted about working
on this case?

A. I believe that it was approximately two weeks
prior to the date of the filing of the expert opinion.

Q. Do you remember what date that was?

A. No.

Q. So you had two weeks from the time you were
first contacted to the time you had to produce your
report?

A. It's possible that it was two weeks. It might
have been two and a half weeks.

Q. Who contacted you?

A. An attorney by the name of Nitsana, who is the
head of the Shurat HaDin organization.

Q. Did you know Nitsana before you were contacted
by her in relation to this case?

A. Not personally. Not personally. I had heard
her name in the media.

Q. Do you know how she was put in touch with you?

A. She told me that she had received
recommendations about me. I didn't ask on a more
extensive basis.

Q. Do you know from whom she received the
recommendation?

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1 A. She did not tell me. I can assume that it
2 was from people who knew me over the course of -- over
3 the course of my years of service in the government
4 establishment. Perhaps subsequent to that.

5 Q. Before you were contacted by Nitsana, were
6 you familiar with Shurat HaDin?

7 A. Only as a reader of the press.

8 Q. What did you know about Shurat HaDin?

9 A. It's a little difficult to distinguish
10 between what I knew prior to that time and after
11 that time. I knew that it's an organization that's
12 engaged in lawsuits against entities that aid and
13 abet terrorism.

14 Q. That's what you knew before you started
15 working with them?

16 A. I assume -- I'm assuming as a general concept,
17 not on an individual level.

18 Q. And then you said you weren't sure how your
19 opinion may be different about them since, after you
20 worked with them.

21 What is your opinion about them since you've
22 started working with them?

23 MR. YALOWITZ: Object to the form.

24 MR. SATIN: Yeah, that was a poorly worded
25 question.

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1 OFFICIAL INTERPRETER NE'EMAN: Can I ask
2 something?

3 MR. SATIN: Sure.

4 OFFICIAL INTERPRETER NE'EMAN: When you're
5 saying "your opinion," you're not referring to his
6 expert opinion, are you?

7 MR. YALOWITZ: He's going to rephrase it.

8 MR. SATIN: I'll rephrase the question.

9 MR. YALOWITZ: He's going to rephrase the
10 question. That's why I objected.

11 MR. SATIN: It's a fair objection.

12 MR. YALOWITZ: And I'll just apologize, but
13 Israel, if you could only talk when Rina is not talking,
14 I know it will help her. So you say it, then let her
15 speak, and then you can say more.

16 OFFICIAL INTERPRETER NE'EMAN: And also if you
17 could speak in short segments and try to speak clearly,
18 it would be helpful to me. Thank you.

19 Q. BY MR. SATIN: What did you come to believe
20 about Shurat HaDin after you started working with them?

21 A. I wouldn't necessarily define it as an
22 opinion, but more as an impression. I'm simply now
23 more familiar with their method of work. Although
24 I also admit that I'm only familiar with this case
25 and I'm not proficient in other cases which I know

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1 exist.

2 Q. What is your impression of their methods?

3 MR. YALOWITZ: Objection. Instruction not
4 to answer. Attorney work product.

5 Q. BY MR. SATIN: Have you been involved with
6 any other cases involving Shurat HaDin besides this one?

7 A. No.

8 Q. Are you aware that Nitsana, Ms. Leitner, has
9 said that, in its early years -- are you aware that the
10 director, the woman you referenced as Nitsana, has said
11 that her organization, Shurat HaDin, took direction from
12 the government of Israel on which cases to pursue?

13 MR. YALOWITZ: Object to form.

14 You can answer.

15 THE WITNESS: No, I was not aware of that.
16 It does not sound right to me, but I don't know.

17 Q. BY MR. SATIN: Do you know if this case
18 has been brought at the direction of the government
19 of Israel?

20 A. I have no idea whatsoever.

21 Q. Would it give you pause to work on a case
22 that was brought on behalf of the government of Israel?

23 A. Does your question refer to a principle or
24 to this case in particular?

25 Q. Hypothetically speaking, would it give you

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1 pause to work on behalf of a case that was brought at
2 the direction of the government of Israel?

3 A. Just like in this case, I would examine the
4 issue on a material basis. And if I would be of the
5 opinion that I could contribute something in a positive
6 manner and in a manner that does not prejudice my
7 principles in any way, I would do so.

8 Q. Did you examine this case before you decided
9 to work on it?

10 A. Certainly.

11 Q. What did you examine before you decided to
12 work on this case?

13 A. I ascertained that it referred to a series
14 of events in which victims of terrorist attacks were
15 pursuing justice, even partial justice. And I
16 definitely agree with that.

17 Q. Is that information that you examined
18 something you received orally or in writing?

19 (Brief exchange in Hebrew between Official
20 Interpreter Ne'eman and the witness.)

21 THE WITNESS: I made that decision after
22 I heard from a number of sources, including Nitsana.
23 I'm just saying that we should state her full name
24 for the record, Nitsana Darshan-Leitner. And also,
25 when I began to receive the material, I understood

1 what was being referred to.

2 Q. BY MR. SATIN: For the record, I was only
3 referring to her as "Nitsana" because you had used
4 that word with her.

5 A. (In English.) Yes.

6 (Translated.) Yes.

7 Q. So I don't want to put words in your mouth.

8 A. That's fine.

9 Q. So other than Ms. Darshan-Leitner, who else
10 did you speak to about this case before you agreed to
11 work on this case?

12 A. I spoke with the team of colleagues who were
13 involved in the preparation of the first draft before
14 I became involved in it.

15 Q. The first draft of your report?

16 A. Yes.

17 Q. Who were those people?

18 A. Arie Spitz and Noam Meridor. I assume
19 that this was obvious or understood, in light of the
20 fact that there were just two weeks left prior to
21 the filing of the report.

22 Q. So at some point, you received a draft of
23 your report?

24 A. A draft, an outline. Yes.

25 Q. Who did you receive that from?

1 A. Either from Nitsana's office or from one
2 of the individuals whose names I had mentioned.

3 Q. How many pages was the draft that you
4 received?

5 A. I can't recall precisely. It's also
6 important to note that it was in Hebrew, several
7 dozen pages.

8 Q. Is that your estimate?

9 A. I assume that it's possible to reconstruct
10 that, to examine it, but that's what I recall. It
11 could have been 60, 70, 50. 50 or more.

12 Q. Do you still have a copy of the draft you
13 received when you first started working on this case?

14 A. I'm not sure. I'm a disorganized kind of guy,
15 and sometimes I delete files from computers.

16 Q. Did you receive the draft in paper form or
17 electronically?

18 A. Only electronically.

19 Q. So is it still on your computer?

20 A. I don't think so. Because it was in April,
21 I'm almost certain that I deleted it. And also because
22 I'm certain that, both in this deposition and when
23 I testify in court, I'll be testifying on the English
24 version. Therefore, that's what I retained. That's
25 what I kept and made sure to keep.

1 Q. Was it your decision to get rid of the
2 original draft?

3 A. There wasn't a decision to delete it. I
4 periodically just delete e-mail that I had received
5 in the past two or three months. I'm no computer
6 expert, but perhaps that also can be reconstituted.

7 Q. So the original draft came in an e-mail;
8 correct?

9 A. Yes.

10 Q. Sometime around April or --

11 A. It's definitely possible that it could have
12 been at the end of March.

13 Q. And then at some point, two or three months
14 ago, you deleted the e-mail that had the draft attached
15 to it that you had received at the end of March or
16 April?

17 A. I believe that that's what it was. I wasn't
18 asked to produce the Hebrew text for this get-together.
19 So my estimate is that it was, in fact, deleted from
20 my computer. If it's of importance, I'm willing to
21 check that again.

22 Q. Did you make changes to the document that
23 you had originally received?

24 A. Definitely.

25 Q. Did you make those changes into the document

1 that you had received?

2 A. Yes.

3 Q. Did you make those changes in Hebrew?

4 A. Yes.

5 Q. And then did you send a draft of the report
6 with your changes back to Ms. Darshan-Leitner?

7 A. In any event, to her office. Yes.

8 Q. And then were there additional changes made
9 to that document?

10 A. To the best of my knowledge, the process was
11 as follows: The draft or the text that I approved in
12 Hebrew as the final text was sent out for professional
13 translation. And I also reviewed the text in English.
14 And in a few places in which I thought that the
15 translation was not clear enough, I suggested some
16 changes, although I reiterate, they were quite minor
17 in nature, and I sent it back to the office.

18 Q. Between the time that you received the
19 original draft --

20 A. (In English.) In Hebrew?

21 Q. -- in Hebrew, at the end of March or early
22 April, to the time that it was sent out for translation,
23 had you sent your modified draft to the office of
24 Ms. Darshan-Leitner?

25 A. No.

1 Q. And that period of time was just about two
2 weeks; correct?

3 A. Indeed.

4 Q. And it was during that two-week period that
5 you also received the documents that are referenced
6 in the report?

7 A. Yes.

8 Q. I show you, Mr. Shrenzel, what's been marked
9 already as Exhibit 422.

10 A. Thank you.

11 Q. And Exhibit 422 is the document you signed;
12 correct?

13 A. Yes.

14 Q. Did you actually sign this document, or did
15 somebody else put your signature on the document?

16 A. I left a signature in the office, but I made
17 sure that it had been affixed to the document that I
18 had fully and thoroughly confirmed.

19 Q. When you say you left your signature in the
20 office, what do you mean by that?

21 A. I don't recall precisely. It's possible that
22 it was a computer signature, an electronic signature.
23 Or perhaps I left an actual signature when I was in
24 the office.

25 Q. If you would turn to page 2.

1 A. (In English.) I don't have 2.

2 OFFICIAL INTERPRETER NE'EMAN: Here.

3 THE WITNESS: (In English.) Aah, this is 2.

4 Q. BY MR. SATIN: Mr. Shrenzel, on page 2 there
5 is a list of documents; correct?

6 A. Indeed.

7 Q. Or to be precise, it says there are numbers
8 of documents that it says were produced.

9 A. Indeed.

10 Q. And those are documents listed on page 2
11 and on 3; correct?

12 A. Yes.

13 Q. And the documents that are referenced by
14 number on page 2 and 3, those are the documents you
15 received at the end of March or so?

16 MR. YALOWITZ: Object to the form.

17 You can answer.

18 THE WITNESS: Yes.

19 Q. BY MR. SATIN: How many pages of documents
20 did you receive?

21 A. I'd like to be precise. Some of them arrived
22 in computer form, and some of them I saw during the
23 course of the meetings that I held with the prep team.

24 Q. Did you receive your own copy of every single
25 one of these documents?

1 A. Not necessarily.

2 Q. Did you review every single document that
3 is referenced on pages 2 and 3 of the report?

4 A. Yes. Because of the lack of time, I did so
5 with varying degrees of attention. And I can say that
6 I relied, to a very great extent, on the team which had
7 examined the documents over a very long period of time.

8 Q. Who was on that team?

9 A. I have already noted their names.

10 Q. Please say them again.

11 A. Definitely. Arie Spitz and Noam Meridor.

12 Q. Would you agree that for some of the documents
13 that are listed on pages 2 and 3 of the report, you only
14 spent a second or two looking at them?

15 (Brief exchange in Hebrew between Official
16 Interpreter Ne'eman and Check Interpreter Avital.)

17 THE WITNESS: More than a second or two.

18 But definitely things that I thought were
19 obvious or clear, or with respect to which I fully
20 relied on the conclusions of the team, I spent less
21 time on that.

22 Q. BY MR. SATIN: You'd agree, though, that
23 for some of the documents, you did not study them?

24 A. (Translated.) No. I definitely know the
25 general content --

1 (In English.) General content.

2 (Translated.) -- and the significance of
3 each and every document.

4 Q. You know the significance of each and every
5 document, even though you did not receive a copy of
6 every single document?

7 A. Yes, certainly. I both read it and wrote
8 several times the text and the references. The fact
9 that I examined the document during the course of a
10 meeting with the members of the team and subsequently --
11 and, subsequently, they took the documents with them,
12 is not relevant.

13 Q. How many hours did you spend with the team?

14 A. Let's say at least two meetings of
15 approximately five hours each.

16 Q. And how many hours did you spend reviewing
17 documents on your own?

18 A. It's difficult for me to make a precise
19 differentiation between the review of the documents
20 and the handling of the draft.

21 Q. Well, how much time did you spend working
22 on this case during that two-week period that was
23 not with the team?

24 A. I believe that it was 20 to 25 hours,
25 approximately 20 to 25 hours.

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<p>1 Q. 20 to 25 hours, approximately, during which</p> <p>2 time you were on your own, either reading documents</p> <p>3 or modifying the draft; correct?</p> <p>4 A. Indeed.</p> <p>5 Q. And you are being paid by the hour; correct?</p> <p>6 A. Yes.</p> <p>7 Q. Did you submit an invoice for the period of</p> <p>8 time you worked before the report -- up until the time</p> <p>9 that the report was submitted?</p> <p>10 (Brief exchange in Hebrew between Official</p> <p>11 Interpreter Ne'eman and Check Interpreter Avital.)</p> <p>12 OFFICIAL INTERPRETER NE'EMAN: Thank you.</p> <p>13 THE WITNESS: In fact, I submitted a report</p> <p>14 for my working hours up until the period of the filing</p> <p>15 of the report.</p> <p>16 MR. HILL: Let's just have a minute about</p> <p>17 the translation protocol.</p> <p>18 So if you disagree about what's being said</p> <p>19 in English, you need to say that in English so it can</p> <p>20 get picked up on the record. If you're just prompting</p> <p>21 Rina with a better Hebrew term, I guess it's okay to</p> <p>22 do that in Hebrew, as long as everybody agrees that</p> <p>23 what ends up in English is, in fact, what the witness</p> <p>24 said.</p> <p>25 Are we all on the same page?</p>	<p>1 A. Yes.</p> <p>2 Q. How many hours are on that invoice?</p> <p>3 A. If I recall correctly, the invoice was for</p> <p>4 31 hours. I'd like to add that those are the hours</p> <p>5 in which I was really sitting at my desk. But, in</p> <p>6 effect, for almost that entire two-week period, my</p> <p>7 head was busy thinking and processing.</p> <p>8 Q. You also expected to get paid for the time</p> <p>9 you were meeting with the team; correct?</p> <p>10 A. Yes. That appears to be appropriate to me.</p> <p>11 That's part of the time that I worked.</p> <p>12 Q. So the invoice you submitted, then, includes</p> <p>13 the time spent meeting with the team?</p> <p>14 A. Yes.</p> <p>15 Q. The opinion portion of Exhibit 422 begins</p> <p>16 on page 3; correct?</p> <p>17 A. Yes.</p> <p>18 Q. And there are three sections to the opinion</p> <p>19 portion of this report?</p> <p>20 A. Yes.</p> <p>21 Q. Chapter A is called:</p> <p>22 "Background and Introduction."</p> <p>23 A. Yes.</p> <p>24 Q. And in this part of the report, it explains</p> <p>25 what was asked to be done in this case?</p>
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<p>1 MR. YALOWITZ: That's fine with me.</p> <p>2 CHECK INTERPRETER AVITAL: That's what's</p> <p>3 happened so far.</p> <p>4 MR. HILL: Because I'm not a Hebrew speaker,</p> <p>5 so I obviously don't know if there's something you are</p> <p>6 bringing to her attention.</p> <p>7 OFFICIAL INTERPRETER NE'EMAN: Her correction</p> <p>8 was substantive: I erred and said "the filing of the</p> <p>9 report" and he had said "submitting the invoice." The</p> <p>10 Hebrew word for "filing" and "submitting" is the same.</p> <p>11 And because we were talking about the filing of reports,</p> <p>12 I erred, and Ruchie kindly corrected me.</p> <p>13 MR. HILL: Okay. Thank you.</p> <p>14 MR. SATIN: I don't know where the record</p> <p>15 is right now in terms of what the answer was to that</p> <p>16 question.</p> <p>17 (Brief discussion held off the record.)</p> <p>18 (Last answer read.)</p> <p>19 MR. SATIN: Let me just ask the question</p> <p>20 again.</p> <p>21 CHECK INTERPRETER AVITAL: He said: "I</p> <p>22 submitted an invoice."</p> <p>23 Q. BY MR. SATIN: Let's try this again.</p> <p>24 Did you submit an invoice for the hours</p> <p>25 you worked up until the submission of the report?</p>	<p>1 A. Indeed.</p> <p>2 Q. And the report lists the six attacks that</p> <p>3 will be addressed?</p> <p>4 A. Yes.</p> <p>5 Q. And the specific discussion of each attack</p> <p>6 takes place later in the report, beginning on page 18;</p> <p>7 correct?</p> <p>8 A. Indeed.</p> <p>9 Q. Because what you do before then, or what</p> <p>10 is done in the report before then, is a discussion</p> <p>11 of the general characteristics of the conduct of the</p> <p>12 Palestinian Authority during the relevant time period;</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. Before you get to the specific incidents,</p> <p>16 there's also a discussion of the relationships among</p> <p>17 the PLO, the Palestinian Authority, and Fatah; correct?</p> <p>18 A. Indeed.</p> <p>19 Q. And that's just a couple of pages?</p> <p>20 A. Indeed.</p> <p>21 Q. And then, finally, in Chapter C is the</p> <p>22 specific discussion of the six incidents; correct?</p> <p>23 A. Indeed. Indeed, that is the case.</p> <p>24 Q. And you'd agree that the main focus of the</p> <p>25 report is the six incidents?</p>

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1 A. Definitely.
 2 Q. Now, Mr. Shrenzel, you haven't written any
 3 books about the six attacks at issue in this case;
 4 correct?
 5 A. Not at all.
 6 Q. And you haven't written any books about the
 7 Second Intifada?
 8 A. I will note what was done, and that's pursuant
 9 to the information that appears at the outset of the
 10 report, which refers to my CV and my background.
 11 Over the -- in recent years, I have worked --
 12 to be precise, in 2007 and 2008 -- as the editor of two
 13 books which also address the Second Intifada. I wish
 14 to emphasize that I'm the editor of the books and not
 15 the author of the books.
 16 Q. I appreciate your trying to be helpful,
 17 Mr. Shrenzel. But if you could just listen to the
 18 question that I ask and just answer that question.
 19 A. I will do my very best.
 20 Q. I think we will both be finished sooner if
 21 we work that way.
 22 A. Definitely.
 23 Q. You agree, you have not written any books?
 24 MR. YALOWITZ: Object to the form.
 25 Any books at all?

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1 MR. SATIN: That was the question.
 2 MR. YALOWITZ: I'm just helping you correct
 3 the form, but do what you want. I object to the form.
 4 He can answer.
 5 THE WITNESS: No. I have not written any
 6 books that relate to the Second Intifada.
 7 Q. BY MR. SATIN: You haven't written any books
 8 that relate to any of the issues in this report?
 9 A. No.
 10 Q. You've published three articles in your
 11 lifetime; correct?
 12 A. Perhaps more, but that are related to the
 13 issue at hand. If your intent is those which are cited
 14 here, I'm willing to take a look, if I may examine it
 15 for a moment, and then I will confirm that.
 16 Q. Sure.
 17 A. (Examining.) I did, in fact, write the three
 18 articles that are cited here. In fact, those, in my
 19 opinion, are not related to the subject of the expert
 20 opinion. They're more related to the Islamic world
 21 on a general basis.
 22 But I believe that I have noted -- and I
 23 don't know why it doesn't appear here -- an article
 24 that I wrote that also appeared in the Haaretz newspaper
 25 that dealt with a summary of ten years since the Second

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1 Intifada and the prospects and the danger of an
 2 additional Intifada.
 3 MR. YALOWITZ: Mr. Satin, with your
 4 permission, I think the record should reflect my
 5 belief that we supplemented Mr. Shrenzel's report
 6 with some additional articles.
 7 Ms. Weiser would recall the precise
 8 circumstances of that supplementation. But we have
 9 a copy of it on computer, if you wish to review it.
 10 MR. HILL: Why don't you e-mail it to us,
 11 Counsel. Neither of us recollects it. Why don't
 12 you e-mail it to us, since neither of us is presently
 13 recollecting it. And if you've got the original e-mail,
 14 just forward that as well, and that way we'll be able
 15 to verify whether we previously received it or not.
 16 MR. YALOWITZ: Very good. We'll do that as
 17 soon as logistics permit.
 18 MR. HILL: Ms. Rovner appears to be on the
 19 Internet right now. Perhaps she could do it while
 20 we're sitting here.
 21 MR. YALOWITZ: I'm hoping that she'll be
 22 able to. And certainly we'll work as quickly as we
 23 can to provide you an electronic copy so you have it
 24 in your possession.
 25 MR. HILL: Thank you.

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1 Q. BY MR. SATIN: Mr. Shrenzel, do you agree
 2 that Exhibit 422 does not make any mention of an article
 3 about the Second Intifada?
 4 A. As the text currently appears, no, it does
 5 not. However, I fully recollect that I was asked by
 6 the office to provide a full list of everything that
 7 I have written. And that is what I did.
 8 Q. And again, Mr. Shrenzel, I would just ask you
 9 to answer only my question, which was just about whether
 10 it says that in your report.
 11 A. Yes. I, in fact, confirm that. I confirm
 12 that, in this text, only the three articles appear.
 13 Q. And the Haaretz is a newspaper?
 14 A. The Haaretz newspaper is a daily newspaper,
 15 a primary newspaper in Israel.
 16 Q. It's a lay publication? It is not a scholarly
 17 publication?
 18 (Brief exchange in Hebrew between Official
 19 Interpreter Ne'eman and Check Interpreter Avital.)
 20 THE WITNESS: It is, in fact, a lay
 21 publication. But the tone of the publication is
 22 primarily that of an intellectual or a well-educated
 23 audience.
 24 Q. BY MR. SATIN: The article that you just
 25 referenced was not subject to peer review; correct?

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1 (Brief exchange in Hebrew between Official
2 Interpreter Ne'eman and Check Interpreter Avital.)
3 THE WITNESS: Just like any article that is
4 submitted by a guest, not by a newspaper reporter.
5 CHECK INTERPRETER AVITAL: "A regular
6 columnist." "A regular columnist of a newspaper."
7 OFFICIAL INTERPRETER NE'EMAN: A regular --
8 I'm not sure.
9 CHECK INTERPRETER AVITAL: "A regular writer
10 for the paper."
11 OFFICIAL INTERPRETER NE'EMAN: "A member of
12 the newspaper." "Somebody who regularly writes for the
13 newspaper," perhaps we should say.
14 THE WITNESS: The newspaper itself decides
15 whether or not to publish that guest article.
16 Q. BY MR. SATIN: Two of the three articles that
17 are referenced in Exhibit 422 are book reviews; correct?
18 (Brief exchange in Hebrew between Official
19 Interpreter Ne'eman and Check Interpreter Avital.)
20 THE WITNESS: Indeed.
21 Q. BY MR. SATIN: Is the article that you just
22 mentioned that is not in Exhibit 422 a book review or
23 not?
24 A. No, it is not a book review.
25 Q. You mentioned books that you have edited?

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1 A. Indeed.
2 Q. One is called "Ticking Bomb"?
3 A. Yes. The book is in Hebrew.
4 Q. And it's a collection of articles?
5 A. Indeed.
6 Q. And you're not one of the named editors on
7 the cover of the book?
8 A. If I recall correctly, my name appears as
9 a linguistic editor.
10 Q. The editors on the cover are Haggai Golan
11 and Shaul Shay.
12 A. It's been a long time since I took a look
13 at that book. But, apparently, that is the case.
14 Q. And the other book you cite in the report --
15 excuse me. The other book that is cited in the report
16 is called "Hamaz Lexicon"?
17 A. Indeed, that's the case.
18 Q. And your name is not on the cover of that
19 book either?
20 A. Actually, in that case, I believe that it
21 is written "editing by Israel Shrenzel." And, recently,
22 one of my students at the university drew my attention
23 to the fact that the book also appears under my name
24 in the university catalog.
25 Q. But you did not write it?

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1 A. As I have explicitly explained, I did not
2 write it.
3 Q. And you don't have a Ph.D.?
4 A. Unfortunately or not, but I don't have one.
5 Q. And you are teaching at the university as
6 an adjunct professor?
7 A. In Hebrew, the formal definition is an
8 "outside teacher."
9 Q. You're not tenured?
10 (Brief exchange in Hebrew between Official
11 Interpreter Ne'eman and Check Interpreter Avital.)
12 THE WITNESS: Tenure, no. No tenure.
13 Q. BY MR. SATIN: You're not on a tenure track?
14 A. No.
15 Q. You've never served as an expert before?
16 CHECK INTERPRETER AVITAL: Excuse me. He
17 didn't say --
18 (Comment in Hebrew by Check Interpreter
19 Avital.)
20 OFFICIAL INTERPRETER NE'EMAN: I think
21 they mean "expert witness." But okay, I accept your
22 correction.
23 MR. YALOWITZ: Do you mean "expert witness"?
24 MR. SATIN: I do. Thank you.
25 Q. BY MR. SATIN: So you've never served as an

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1 expert witness before?
2 A. No.
3 Q. And how much have you been paid altogether
4 since you started your work in connection with this
5 case?
6 A. I already stated, 31 hours, to be precise.
7 And that has to be multiplied by \$120 per hour, and
8 with the deduction of tax and other deductions pursuant
9 to Israeli law.
10 Q. Is the 31 hours just until the report was
11 submitted on April 10th or up until today?
12 A. No, no. The number of 31 hours refers to
13 the work up to the point of the filing of the report
14 on April 10th.
15 Q. Have you worked in connection with this case
16 since April 10th up until 9:30 this morning?
17 A. Definitely.
18 Q. How many hours?
19 A. I still don't have a full record of that.
20 I estimate that, to date, it's been approximately 80
21 hours.
22 Q. Are those 80 hours time you spent working
23 by yourself or with a team?
24 A. Both.
25 Q. How many hours did you spend with the team,

<p style="text-align: right;">Page 34</p> <p>1 of those 80 hours?</p> <p>2 A. Again, it's difficult for me to provide very</p> <p>3 precise information. I would estimate that it was 25</p> <p>4 hours with the team, 20, 25 hours.</p> <p>5 Q. Doing what?</p> <p>6 A. We examined the documents extremely</p> <p>7 thoroughly. We posed questions that appeared to</p> <p>8 be relevant to us. And we also did simulations about</p> <p>9 questions that you might be likely to ask me. There</p> <p>10 were also several hours in which I met with counsel,</p> <p>11 to explain about the procedures.</p> <p>12 MR. YALOWITZ: Don't talk about our meetings.</p> <p>13 THE WITNESS: (In English.) Okay.</p> <p>14 MR. YALOWITZ: You've just given away the</p> <p>15 secret sauce.</p> <p>16 THE WITNESS: I accept that. You can really</p> <p>17 see for sure that it's my first time.</p> <p>18 Q. BY MR. SATIN: How many hours of the</p> <p>19 approximate 80 did you spend working on your own?</p> <p>20 A. Well, if we do the simple math, it's about</p> <p>21 55 hours.</p> <p>22 Q. What were you doing?</p> <p>23 A. I read the report several times, and I</p> <p>24 thoroughly read the various documents. And, again,</p> <p>25 I thought about possible questions and the requisite</p>	<p style="text-align: right;">Page 36</p> <p>1 A. In fact, that's the case.</p> <p>2 Q. Now, from 1980 to 1985, you were at the IDF;</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. And you focused, according to you, on Syrian</p> <p>6 affairs as well as Palestinian issues; correct?</p> <p>7 A. Yes.</p> <p>8 Q. From 1988 to 2004, you were an intelligence</p> <p>9 analyst at the GSS; correct?</p> <p>10 A. Yes. Just for the record, we currently call</p> <p>11 it the ISA.</p> <p>12 Q. And while you were at the ISA -- what was</p> <p>13 it called then?</p> <p>14 A. The name in Hebrew was the same name. At</p> <p>15 a certain point in time, the official name in English</p> <p>16 became ISA.</p> <p>17 Q. How do you -- what do you refer to it as</p> <p>18 in that time period from '88 to 2004, GSS or ISA?</p> <p>19 A. I think that there is a rule that we call</p> <p>20 something according to how it's most recently termed.</p> <p>21 So as of this point in time, we'll call it the ISA.</p> <p>22 Because, of course, I operated in an environment that</p> <p>23 was all in Hebrew, so it's entirely devoid -- it's</p> <p>24 devoid of significance.</p> <p>25 Q. Very well. We'll call it the ISA.</p>
<p style="text-align: right;">Page 35</p> <p>1 answers.</p> <p>2 Q. The report, Exhibit 422, states -- uses the</p> <p>3 phrase "Palestinian arena."</p> <p>4 Do you see that on page 3? The second</p> <p>5 paragraph, under Chapter A, starts by saying:</p> <p>6 "The basis for my opinions herein is my</p> <p>7 decades of professional experience analyzing the</p> <p>8 Palestinian arena."</p> <p>9 Do you see that?</p> <p>10 A. Yes, I see that.</p> <p>11 Q. Is the term "Palestinian arena" a term that</p> <p>12 you came up with or the team?</p> <p>13 A. I can't say that. I assume that it was</p> <p>14 me, because that's the section that deals with my</p> <p>15 experience. And apart from that, that concept, at</p> <p>16 least in Hebrew, is a common concept.</p> <p>17 Q. The term "Palestinian arena" is not defined</p> <p>18 anywhere in the report; correct?</p> <p>19 A. It's possible that not directly so.</p> <p>20 Q. Well, nowhere does it say what the definition</p> <p>21 of "Palestinian arena" is in this report?</p> <p>22 A. Okay.</p> <p>23 Q. And there is no document here that explains</p> <p>24 or that is cited that explains what is meant by</p> <p>25 "Palestinian arena"; correct?</p>	<p style="text-align: right;">Page 37</p> <p>1 While you were at the ISA, you didn't develop</p> <p>2 expertise in one particular field; correct?</p> <p>3 MR. YALOWITZ: Object to the form. Vague.</p> <p>4 THE WITNESS: The question is not clear to me.</p> <p>5 Q. BY MR. SATIN: You'd agree that you covered</p> <p>6 a range of different fields while you were at the ISA?</p> <p>7 A. That's a matter of definition. But it's</p> <p>8 important to emphasize that all of my work focused</p> <p>9 upon -- and I reiterate -- the Palestinian arena.</p> <p>10 Q. And you covered different areas within what</p> <p>11 you call the Palestinian arena; correct?</p> <p>12 A. Are you referring to areas in terms of</p> <p>13 geography? Subject matter?</p> <p>14 Q. Well, I'm going to direct your attention</p> <p>15 to page 1 of the report.</p> <p>16 A. (In English.) Page 1.</p> <p>17 Q. The fourth paragraph down talks about your</p> <p>18 experience in what is referred to here as the GSS.</p> <p>19 A. Definitely, yes.</p> <p>20 Q. And it says in the middle of that paragraph:</p> <p>21 "In that position, I was responsible (among</p> <p>22 other things) for supervising the work of GSS research</p> <p>23 and assessment personnel in various fields relating</p> <p>24 to Palestinian affairs."</p> <p>25 A. That is what's written and that's what was.</p>

1 Q. Did you write this sentence?

2 A. In Hebrew, yes.

3 Q. What did you mean by "various fields"?

4 A. I will, in fact, explain that. My intent
5 there was, for example --

6 CHECK INTERPRETER AVITAL: "Cross-section
7 of subjects."

8 OFFICIAL INTERPRETER NE'EMAN: Thank you.

9 THE WITNESS: -- a cross-section of subjects,
10 key issues, such as policy of the Palestinian Authority
11 with respect to different issues, policy and actions
12 with respect to terrorism, the situation with respect
13 to entities or organizations. Those are several
14 examples with regard to subject areas.

15 We can also address it on a geographical
16 basis. The main work was, of course, what was going on
17 in the territories. But if there was a relationship or
18 some kind of importance with activities of Palestinian
19 organizations that were not in the territories -- were
20 outside of the territories, when I say different or
21 many areas, that's also what this refers to.

22 Q. BY MR. SATIN: And here, this sentence uses
23 the term "Palestinian affairs."

24 (Brief exchange in Hebrew between Official
25 Interpreter Ne'eman and Check Interpreter Avital.)

1 THE WITNESS: Affairs, issues, questions,
2 subjects.

3 Q. BY MR. SATIN: Do you mean for "Palestinian
4 affairs" to mean something different than "Palestinian
5 arena"?

6 A. No. In my opinion, they're very similar or
7 even identical.

8 Q. And you'd agree that "Palestinian affairs"
9 is not defined in this report?

10 A. There is no specific paragraph in which it
11 says "'Palestinian affairs' means so and so." But,
12 of course, the report refers to things that definitely
13 fall within that category.

14 Q. You did not investigate the six attacks that
15 are at issue in this case; correct?

16 MR. YALOWITZ: Object to the form.

17 Time frame?

18 Q. BY MR. SATIN: At the time of these incidents,
19 you were not part of the investigative team; correct?

20 A. No.

21 Q. And you've never been involved in the
22 investigation of these incidents since then; correct?

23 MR. YALOWITZ: Object to the form. Vague.

24 But you can answer.

25 THE WITNESS: No. I was never involved in

1 that.

2 Q. BY MR. SATIN: Earlier we discussed the
3 documents that are listed on pages 2 and 3 of this
4 report.

5 A. Indeed.

6 Q. Now, portions of this report make reference
7 to other documents that are not listed on pages 2 and 3;
8 correct?

9 A. To the best of my knowledge, the overwhelming
10 majority of what's stated in the report has been
11 validated or documented by the references. If by
12 chance there is an error or an omission, then that
13 would be a function only of the great speed with which
14 the report was prepared. And should you find that there
15 is a document missing, I assume that it's possible to
16 take care of that.

17 Q. My only question here is: You'd agree
18 that there are footnotes in this report that reference
19 documents that are not listed on pages 2 and 3; correct?

20 A. I'll explain. The method of numbering that
21 appears on pages 2 and 3 is not within the area of my
22 expertise. I am familiar with the documents themselves.
23 And to the best of my knowledge, and underneath every
24 reference to the -- underneath every footnote, that
25 every footnote does, in fact, address and confirm what's

1 stated in the text to the best -- based on my knowledge
2 and interpretation.

3 Q. Did you read any documents prior to April
4 10th, other than those that were given to you by the
5 team from Ms. Darshan-Leitner's office?

6 A. No. Only perhaps general things that I
7 read from things that appeared in the media. But
8 not anything that I read on my own initiative, that
9 I reread. Because I can state that, at least with
10 respect to the sections that are more general in nature,
11 they are familiar to me and I consider myself to be
12 proficient in them so that my primary focus was on the
13 incidents themselves, which I was not familiar with on
14 an individual basis.

15 Q. During the two- to three-week period between
16 the time when you were first contacted about the case
17 and the time when the report was submitted, did you do
18 any research into any of the areas that are discussed
19 in the report?

20 MR. YALOWITZ: Objection. I don't understand
21 the question.

22 THE WITNESS: I focused on the analysis and
23 the formulation of my understanding of the six incidents
24 that are discussed here.

25 Q. BY MR. SATIN: During that two- or three-week

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1 period, did you read any documents for purposes of the
2 work in this case, other than those which were given
3 to you by the team?

4 A. I don't recall at this moment in time.

5 Q. Did you keep any type of record of the
6 documents you did review?

7 A. The documents that I reviewed are the
8 documents that appear in the references to the report.

9 Q. So if a document is not referenced in this
10 report, that means you did not review it in preparation
11 for the work in this case?

12 A. No. I'm having a hard time confirming that
13 statement. If you could give me an example or ask me
14 to refer to a specific document, then I will be able
15 to answer.

16 Q. What I'm getting at is whether or not you
17 read articles, exhibits, anything else, in preparation
18 for your work in this case that is not listed inside
19 this report.

20 A. Again, that are not mentioned here?

21 Q. Yes.

22 A. No. But it's possible that there are things
23 that are stated here that are based on my general
24 knowledge and that are a product of reading a review,
25 not necessarily during the course of those two weeks.

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1 MR. SATIN: Why don't we take a break now.

2 MR. YALOWITZ: Sure. That's fine. We're
3 off the record.

4 (Recess from 11:04 a.m. to 11:17 a.m.)

5 Q. BY MR. SATIN: Good morning, Mr. Shrenzel.

6 A. Good morning, Mr. Satin.

7 Q. We're going to talk now about the substance
8 of the report.

9 A. Go ahead.

10 Q. Beginning on page 4 is the discussion of
11 what is referred to as:

12 "The general characteristics of the conduct
13 of the Palestinian Authority during the relevant period
14 of time."

15 A. Indeed.

16 Q. The second paragraph in the middle of that
17 page, it says:

18 "It is already clear at this stage."

19 Do you see that?

20 A. Yes, I see it.

21 Q. I'm going to read that sentence and ask you
22 a couple of questions about it.

23 A. Go right ahead.

24 Q. (Reading.)

25 "It is already clear at this stage that

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1 the analysis of the Palestinian Authority's attitude
2 to the attacks and terrorists shows that the Palestinian
3 Authority supported, in various ways, the terrorists
4 who took part in these attacks and that the attacks
5 were committed in accordance with its policy."

6 A. Yes.

7 Q. Well, first, although it says "it is already
8 clear at this stage," you'd agree that the analysis
9 in the report hasn't started yet?

10 A. Yes, it's possible to say that. But the
11 statement refers primarily to the sentences that were
12 mentioned prior to that, in which I established --
13 that starts with:

14 "The role of these security forces ... was
15 central." (As read.)

16 And, therefore, the sentence that you quoted
17 appears. But I'm definitely also willing to agree that,
18 from a logical standpoint, it's possible to reach the
19 conclusion in its entirety after the individual analysis
20 of the attacks.

21 Q. So you'd agree that, at the time that this
22 is written, there has been no proof even attempted to
23 be proven, attempted to be set forth in the report?

24 MR. YALOWITZ: Do you need me to object to
25 the form, or do you want to try that again?

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1 MR. SATIN: I'll try it again.

2 Q. BY MR. SATIN: You'd agree that, at the
3 time in the report where it says the language "it is
4 already clear at this stage," there has been no attempt
5 to provide evidence for any of the claims?

6 A. In principle, I agree. However, I shall
7 explain. This refers to preliminary statements. And
8 the person who wrote them -- in other words, me -- is
9 certainly aware of the fact that he must provide full
10 proof of those claims.

11 Q. Which hasn't happened, even according to you,
12 at this point?

13 MR. YALOWITZ: Objection. Object to the form.
14 I think you mean at this point in the report.

15 MR. SATIN: I think that's clear from the
16 question.

17 MR. YALOWITZ: Very good.

18 THE WITNESS: Correct.

19 Q. BY MR. SATIN: That sentence also uses the
20 word "policy."

21 Do you see that?

22 A. Yes.

23 Q. In your report, you don't cite to any
24 document that says this is the policy of the
25 Palestinian Authority; correct?

1 A. Is your intent to this text or in general?

2 Q. Well, first, there's no footnote after that
3 sentence that references any policy; correct?

4 A. That's correct. There's no footnote that
5 appears here. And this derives from the fact that,
6 as I state, to a certain extent, these are preliminary
7 sentences and then summarizing sentences.

8 And, certainly, as I stated before, the
9 author is aware of the need to provide evidence. And
10 he hopes -- I hope -- that later on things become more
11 clear. And, in fact, we have a picture before us of
12 policy.

13 Q. Mr. Shrenzel, I don't think you're trying
14 to be disrespectful. But it does seem that we're
15 going to spend a long day together if, after each
16 question, you provide a longer answer that is not
17 in response to that question. I would ask you not
18 to do that.

19 MR. YALOWITZ: Let's go off the record for
20 a second.

21 (Brief discussion held off the record.)

22 Q. BY MR. SATIN: Now, later you get into what
23 you refer to as the "general characteristics"; correct?

24 A. Yes.

25 Q. And beginning on page 5, you have a section

1 underlined called "General"; correct?

2 A. Yes.

3 Q. And by "General," you are referring here
4 to what you believe are the general characteristics
5 of the conduct of the Palestinian Authority during
6 the Second Intifada?

7 A. That is, in fact, the case.

8 Q. And these general characteristics, are they
9 characteristics that you came up with on your own?

10 A. Definitely.

11 Q. Did you come up with a test for whether or
12 not something is a general characteristic?

13 A. No. I do not have a scientific, mathematical
14 criterion for that.

15 Q. And you don't cite to another person or source
16 for these so-called characteristics; correct?

17 A. In fact, I see that there are no footnotes
18 that provide references for this.

19 Q. Now, while you were at the ISA, you were
20 exposed to classified information; correct?

21 A. Yes.

22 Q. The report talks about or references thousands
23 of intelligence items.

24 MR. YALOWITZ: I'm sorry, Counsel. Can you
25 point me to a --

1 MR. SATIN: Sure. Page 1.

2 THE WITNESS: Yes, in the section that
3 describes my work for the ISA.

4 Q. BY MR. SATIN: And did the classified
5 information that you received at the ISA pertain
6 to what you consider to be general characteristics
7 of the conduct of the PA?

8 A. Generally speaking -- generally speaking,
9 I would be very happy not to make any references to
10 the types and the nature of the classified materials
11 that I have been exposed to.

12 Q. So I can't ask you about any classified
13 information that pertains to general characteristics?

14 A. Neither in the report itself, nor in any
15 reference to the report, I neither intend to nor
16 am I able to make any reference whatsoever to any
17 classified material that I have seen during the
18 course of the years of my service.

19 Q. So are you saying that you can't even
20 tell me whether or not the classified information
21 you received pertains to the general characteristics
22 of the conduct of the Palestinian Authority during
23 the Second Intifada?

24 A. By the very nature of things, both the
25 unclassified material and the classified material

1 deals with the Palestinian arena, in the broad sense
2 of the term as we have already discussed.

3 Any deviation to the area of specific
4 classified material is extremely problematic from
5 many points of view.

6 Q. Can you tell me whether or not your period
7 of work at the ISA exposed you to classified information
8 as it relates to the general characteristics of the
9 conduct of the PA during the Second Intifada?

10 A. Generally speaking, it can be stated that
11 there was a certain relationship. But it's very
12 hard to differentiate among the types of material,
13 between open-source material and classified material,
14 particularly when discussing general characteristics.

15 I hope that you will not be angry at me.
16 But I wish to explain that, in the expert opinion,
17 I did not make any use of classified material.

18 Q. Well, the report doesn't make reference,
19 as you pointed out, to the basis of those opinions;
20 correct?

21 MR. YALOWITZ: Objection. Objection.
22 Overbroad.

23 Q. BY MR. SATIN: You can answer.

24 A. I believe that I did not understand the
25 question. What do you mean by the word "opinions"?

1 Q. You'd agree that, with respect to general
2 characteristics of the conduct of the PA, you have
3 classified information inside your head?

4 A. If I do, then it's, relatively speaking,
5 a very small amount. Eight years have gone by since
6 I retired. And the natural tendency of intelligence
7 people is to kind of erase from their minds information
8 that it's not necessary to retain.

9 Q. But you'd agree that the basis for your
10 expertise is primarily your work in intelligence;
11 correct?

12 A. Yes. But in addition to that, both my
13 education, and I also consider myself a specialist
14 on Arab affairs who is very proficient in various
15 fields. But certainly my years dealing with the
16 Palestinian issue have contributed to that expertise.

17 Q. And you were in Israeli intelligence at the
18 time of the Second Intifada; correct?

19 A. As it says here, until the end of 2004. Of
20 course, there's always that question of when exactly
21 the Second Intifada concluded.

22 Q. And it was during your time at Israeli
23 intelligence that you received information about the
24 conduct of the Palestinian Authority during the Second
25 Intifada; correct?

1 A. Yes.

2 Q. And you can't sit here today and say that
3 your opinions about the general characteristics of the
4 Palestinian Authority during the Second Intifada have
5 nothing to do with your time in Israeli intelligence?

6 A. No. Of course. A person is a complex entity.
7 But at the time that I wrote the report, I was very
8 strict about relying upon materials that, of course,
9 could be cited as references, as proof, as evidence.
10 And all of those materials are either open source or
11 were provided to us by the other side.

12 Q. Well, the section on the general
13 characteristics is from page 5 until the top of page 8;
14 correct?

15 A. No, I don't maintain so. No. I think that
16 the part pertaining to the general material -- the
17 general characteristics concludes on page 6. And then
18 I give some more specific analysis of components that
19 were mentioned in the general section.

20 Q. Well, at least on page 5 and up to where it
21 ends on page 6 --

22 A. (In English.) Yes.

23 (Translated.) Excuse me.

24 Q. -- the report doesn't reference any documents?

25 A. Yes.

1 Q. And on the bottom of page 5 on to page 6,
2 you provide what it states in the report is a brief
3 summary of some of the central components of the
4 conduct exhibited by the Palestinian Authority during
5 the period of the terrorist attacks that are at issue --
6 that are at the center of this action; correct?

7 A. Was all of that a question?

8 Q. Yes.

9 A. Yes.

10 Q. And it's lettered "a" to "e"?

11 A. Yes.

12 Q. And the report does not provide any support
13 for the claims made in letters "a" through "e"?

14 A. I don't agree with that. Because, later on,
15 when I discuss the content of sections "a" through "e"
16 in greater detail, rather extensive references are
17 provided with respect to the various issues that are
18 discussed.

19 Q. Okay. So we can at least agree that here,
20 on pages 5 and 6, you don't provide any support --
21 the report does not provide any support?

22 MR. YALOWITZ: Objection. Vague.

23 (Brief discussion held off the record.)

24 THE WITNESS: Yes, please translate again
25 so I don't lose my line of thought and at least know

1 what I'm answering.

2 (Pending question re-translated.)

3 THE WITNESS: Yes, it's true that, on pages
4 5 and 6, there are no references provided.

5 Q. BY MR. SATIN: And on the bottom of page 5,
6 you reference the "Karine A" incident; correct?

7 A. Indeed.

8 Q. And nowhere in the report is there any further
9 discussion of that incident?

10 A. I am not certain that that's the case. It is
11 possible that it was mentioned in one of the footnotes.
12 I must state that I don't remember each and every one
13 of the 77 pages by heart.

14 Q. Very well. What I suggest we do is I will
15 move on to a different line of questioning for now.
16 And then over a break, you can review the document
17 and tell me if you find a footnote later in the report
18 that references that incident.

19 MR. YALOWITZ: We'll take your suggestion
20 under advisement.

21 MR. SATIN: Or we can spend a significant
22 portion of time while he reads the document. I don't
23 seek to do that. This is an easier way to do it, to
24 save everyone some time.

25 MR. YALOWITZ: It's your deposition.

<p style="text-align: right;">Page 54</p> <p>1 THE WITNESS: May I add something general?</p> <p>2 Q. BY MR. SATIN: Only if it's in response to</p> <p>3 a question I just asked you.</p> <p>4 A. Then I will forgo that.</p> <p>5 Q. On page 6, there is a section that begins:</p> <p>6 "The moves by the Palestinian Authority in</p> <p>7 the areas of incitement and indoctrination."</p> <p>8 Correct?</p> <p>9 A. That is, in fact, the case.</p> <p>10 Q. And the first two paragraphs in the report</p> <p>11 are supposed to be a summary of what follows; correct?</p> <p>12 MR. YALOWITZ: Object to form.</p> <p>13 I think he understands the reference. But</p> <p>14 the record should reflect that the question is directed</p> <p>15 to page 6 of the report.</p> <p>16 THE WITNESS: May I very briefly review the</p> <p>17 two paragraphs?</p> <p>18 Q. BY MR. SATIN: Sure.</p> <p>19 A. (Examining.) Okay. I'm ready.</p> <p>20 Q. There is no document cited in support for</p> <p>21 anything that's written in those two paragraphs there;</p> <p>22 correct?</p> <p>23 A. That is, in fact, the case that, on page 6,</p> <p>24 there are no footnotes. However, as I have noted,</p> <p>25 there are references in support of this later on.</p>	<p style="text-align: right;">Page 56</p> <p>1 accurate.</p> <p>2 Q. Okay. You'd agree that Israel has been</p> <p>3 involved in armed conflicts before; correct?</p> <p>4 A. (In English.) Unfortunately.</p> <p>5 (Translated.) Unfortunately, we are still</p> <p>6 not in a Switzerland-like situation here.</p> <p>7 Q. And you're not saying that Israel has</p> <p>8 committed acts of terrorism when they've been involved</p> <p>9 in armed conflicts, armed struggles; correct?</p> <p>10 A. As an Israeli citizen, that is my belief, yes.</p> <p>11 That's not an issue that I engaged in with respect to</p> <p>12 this report.</p> <p>13 Q. You'd agree that Palestinians have the right</p> <p>14 to resist the occupation; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Do you believe that the boycotting of</p> <p>17 settlement goods is an act of terror?</p> <p>18 A. Boycotting by who?</p> <p>19 Q. By Palestinians.</p> <p>20 A. I do not maintain that that falls within</p> <p>21 the classic definition of an act of terror.</p> <p>22 Q. Is throwing rocks at tanks terror?</p> <p>23 A. When the throwing of stones or rocks</p> <p>24 constitutes a danger, constitutes a significant</p> <p>25 danger to those who are sitting in the tank, then</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. We'll get to that.</p> <p>2 On page 8, you make reference to the words</p> <p>3 "armed struggle"; correct?</p> <p>4 A. Yes.</p> <p>5 Q. And the report states, where it says -- right</p> <p>6 after where it says "armed struggle":</p> <p>7 "The Palestinian euphemism for 'terrorism.'"</p> <p>8 A. Not in the draft I have before me.</p> <p>9 Q. And you're looking at page 8, underneath where</p> <p>10 it says "Education"?</p> <p>11 A. I was looking at the beginning of the page.</p> <p>12 I'd like to take a few seconds to review the paragraph.</p> <p>13 (Examining.) Yes, it does, in fact, state</p> <p>14 here that "armed struggle" is a Palestinian euphemism</p> <p>15 for terror -- "terrorism."</p> <p>16 Q. In general, you'd agree that the words</p> <p>17 "armed struggle" and "terrorism" mean different things;</p> <p>18 correct?</p> <p>19 MR. YALOWITZ: Objection. Failure to specify</p> <p>20 what language.</p> <p>21 Q. BY MR. SATIN: You can answer the question.</p> <p>22 A. We're getting into a linguistic and</p> <p>23 philosophical and political maze here. And because</p> <p>24 I am focused on the Palestinian arena, I think that</p> <p>25 that sentence is -- that statement is certainly</p>	<p style="text-align: right;">Page 57</p> <p>1 it's certainly possible to cite that as an act of</p> <p>2 terrorism.</p> <p>3 But as I've stated, we're treading here</p> <p>4 in an extremely problematic field. And, therefore,</p> <p>5 I have restricted myself, limited myself to a specific</p> <p>6 detailed conversation of the relevant subjects.</p> <p>7 Q. Is shooting at soldiers an act of terror?</p> <p>8 A. Yes.</p> <p>9 Q. Even inside the occupied territories?</p> <p>10 A. Yes. Particularly -- always, but particularly</p> <p>11 in the framework of an arrangement that was in</p> <p>12 effect between us and the entities that control the</p> <p>13 territories; in other words, the Palestinian Authority.</p> <p>14 Q. You'd agree that when it says in the report</p> <p>15 "'Armed struggle' is a euphemism for 'terrorism,'"</p> <p>16 that is an interpretation?</p> <p>17 A. That is the accepted understanding, both</p> <p>18 in terms of research and also in intelligence circles,</p> <p>19 certainly Israeli intelligence circles, and perhaps</p> <p>20 in much more extensive circles for -- with respect</p> <p>21 to the concept that's called in Arabic --</p> <p>22 (Comment in Arabic by the witness.)</p> <p>23 THE WITNESS: I must add that, in terms of</p> <p>24 the nature of the concept, that's how it's perceived</p> <p>25 also by speakers of the Arabic language. Although it's</p>

1 possible that, for political or other reasons, they
2 won't consider it to be terrorism. They won't agree
3 with the definition of "terrorism."

4 Q. BY MR. SATIN: You'd agree that the report
5 does not cite to a document or any source for this
6 understanding that "armed struggle" means "terrorism";
7 correct?

8 A. The drafting of the report also was based
9 on an assumption that there are things that constitute
10 common knowledge. And after more than 1,000 Israelis
11 who have been killed during the course of the armed
12 struggle in the Second Intifada, the identification
13 of that struggle as terrorism is perceived by the
14 author as something that is obvious.

15 Q. Did you receive information about the term
16 "armed struggle" when you were in Israeli intelligence?

17 A. I certainly encountered that term during
18 the course of the years of my service, from reading
19 Palestinian and other material. And the meaning of
20 that concept then, as now, is unequivocal.

21 Q. Did you receive classified information in
22 Israeli intelligence about the significance and meaning
23 of the term "armed struggle"?

24 A. I don't recall, and I don't think that there
25 was any need for that. As I have stated, this is a

1 concept whose meaning is clear, whether you're within
2 the intelligence community or outside the intelligence
3 community. And any reasonable reader of a newspaper
4 on the streets of Jerusalem can explain that concept.

5 Q. You'd agree that the claim you just made,
6 that any reasonable person on the streets of Jerusalem
7 would understand that concept, there is no authority
8 for that claim in this report?

9 A. That would be based upon the fact that the
10 residents of Jerusalem were the primary people who
11 suffered during the course of the Intifada, as far
12 as of that armed struggle. And I believe that five
13 out of the six terrorist attacks that were mentioned
14 here took place in Jerusalem, a short walking distance
15 from the place where we are sitting.

16 Q. (Not translated.) Mr. Shrenzel, I didn't
17 ask you where the incidents took place. My question
18 was simply whether or not the claim about what people
19 in Jerusalem know or knew is stated within the report.

20 Do you understand my question?

21 MR. YALOWITZ: Objection. Arguing with the
22 witness. That's uncalled for.

23 (Pending question translated.)

24 THE WITNESS: I understand the question, and
25 I'm answering it that, in fact, there are no references

1 here that reflect the feelings of the residents of
2 Jerusalem or the residents of Israel on a wider basis.

3 Q. BY MR. SATIN: Very well. Let's focus on
4 page 8.

5 A. Yes.

6 Q. You've never conducted scholarly work on
7 the Palestinian curriculum; correct?

8 A. Correct.

9 Q. And during the two weeks or so that you
10 were working on the draft of this report, you did not
11 conduct a formal study of the Palestinian curriculum;
12 correct?

13 A. Correct.

14 Q. During that two- or three-week period when
15 you were working on that draft, did you consider formal
16 studies that have been done upon the subject of the
17 Palestinian curriculum?

18 A. Primarily those that appeared in the
19 references that were provided to me. One of them
20 is a review by a research institute.

21 Q. Is that listed in the report?

22 A. Yes.

23 Q. What are you referring to?

24 A. If you might allow me to take a look?

25 Q. Sure.

1 A. (Examining.)

2 (In English.) Footnote number 10 is the
3 MEMRI --

4 (Translated.) Footnote number 10 refers
5 to the MEMRI report.

6 MR. HILL: Off the record.

7 (Brief discussion held off the record.)

8 (Defendants' Exhibit 428 marked.)

9 Q. BY MR. SATIN: (Not translated.)

10 Mr. Shrenzel, I'm handing you what's been
11 marked as Defendants' Exhibit 428 -- and a copy for
12 counsel as well. This is -- Defense 428 is the
13 document referenced in footnote 10; correct?

14 (Comment in Hebrew by the witness.)

15 Q. BY MR. SATIN: (Not translated.) That's
16 the MEMRI report; correct?

17 (Comment in Hebrew by the witness.)

18 (Court reporter clarification.)

19 MR. HILL: Somebody's got to say it in
20 English.

21 MR. SATIN: That's my fault.

22 MR. YALOWITZ: Let's continue as we have been,
23 and let's see where we are at the lunch break. And
24 then we'll re-evaluate.

25 MR. HILL: That will be "exhibit A" to my

1 suggestion.

2 MR. YALOWITZ: We now have the questions
3 in English, answers in Hebrew, and no translation.

4 MR. HILL: The parties will stipulate that
5 the witness answered the last two questions in Hebrew
6 and that the correct translation of his answer is "yes"
7 to both questions.

8 (Brief discussion held off the record.)

9 (Last two questions read back and translated.)

10 THE WITNESS: That is, in fact, the case.

11 Q. BY MR. SATIN: And this is a document from
12 MEMRI; correct?

13 A. MEMRI, yes.

14 Q. And MEMRI is the Middle East Media Research
15 Institute?

16 A. That's, in fact, the case.

17 Q. And what is included in Defense 428 is not
18 a study of the Palestinian curriculum; correct?

19 A. Correct.

20 Q. If fact, footnote 10 isn't even a footnote
21 in a section about the Palestinian curriculum?

22 A. If so, it's possible that there was an
23 error in my previous statement. And, in fact, the
24 study by MEMRI refers to incitement in general terms.
25 And the sources for incitement are indoctrination

1 in the Palestinian curriculum, relying, in fact, on
2 samples of classroom books that were provided to me.

3 Q. So just to be clear, the MEMRI document,
4 Defendants' 428, does not include a study of the
5 Palestinian curriculum; correct?

6 A. Yes. It was apparently my error. Although
7 in the MEMRI documents there is reference, for example,
8 to summer camps which are part of the educational
9 system. However, I agree that the MEMRI document is
10 not a study of the Palestinian educational curriculum.

11 Q. Do you agree that the report does not cite
12 any study of the Palestinian curriculum?

13 A. I am willing to take a few seconds to examine
14 that. (Examining.) That is, in fact, the case. The
15 references here all refer to specific classroom books.

16 With your permission, I'd like to add
17 something. This was done, inter alia, because of the
18 fact that I know that there is supposed to be a full
19 expert opinion submitted on the subject of incitement
20 in the curriculum. And for that reason, we chose
21 to limit ourselves -- I chose to limit myself and
22 be brief, just to give several examples for the sake
23 of illustration. But this is certainly not an expert
24 opinion that's focused on the curriculum.

25 MR. SATIN: Why don't we take our lunch break

1 now.

2 (Recess from 12:14 p.m. to 1:21 p.m.)

3 MR. HILL: Over lunch, we've discussed the
4 interpretation and decided to try Mr. Satin propounding
5 the questions in English, the witness answering the
6 questions, without translation, in Hebrew, and then
7 the witness' answers will be translated into English.

8 So we'll proceed in that fashion and see how that goes.

9 MR. YALOWITZ: That's agreeable to us. And
10 if it turns out to not be practical, then we'll let
11 everybody know.

12 Also, I raised at the break, there was an
13 item that the witness raised with me over the lunch
14 break regarding one answer that he gave to a line of
15 questions that Mr. Satin is pursuing. And I would like
16 him to be given an opportunity to raise that issue, to
17 correct what he said before.

19 (The following section of the proceedings was
20 conducted with counsel's questions in English, not
21 translated into Hebrew, and the witness' answers
22 translated into Hebrew through the Official Hebrew
23 Interpreter, unless otherwise indicated.)

24 Q. BY MR. SATIN: Mr. Shrenzel, what is it that
25

1 you'd like to correct?

2 A. (Translated.) You asked me about reading
3 material prior to the formulation of the final draft,
4 the final text. And I remembered that I examined, inter
5 alia, an expert's opinion that was written by Brigadier
6 General Yossi Kuperwasser --

7 (In English.) "Retired."

8 (Translated.) -- retired Brigadier General
9 Yossi Kuperwasser. I don't recall which action that
10 expert opinion was filed in. But it was also reported
11 in the Israeli media when he testified about it in a
12 court in Israel.

13 That expert opinion dealt generally, on a
14 general basis, with the use of -- with the employment
15 of terrorism by the PLO since the time of its inception
16 up to and including the Second Intifada. And that
17 expert opinion primarily helped me to organize my
18 thoughts with respect to the general section that
19 appears here.

20 I wish to emphasize two things. One is
21 that that expert opinion by Kuperwasser did not deal
22 at all with any specific incident of terrorism, and
23 particularly not with the incidents that are under
24 discussion here. And also, with respect to the general
25 issue at hand, there are, at the very least, differences

1 in emphasis between his approach and my approach.

2 Q. Mr. Shrenzel, after reading this expert
3 opinion by the Brigadier General, did you also read
4 the documents and sources cited in that report?

5 A. No. No, there was no time or possibility
6 of engaging in that.

7 Q. Did you talk to Mr. Yalowitz over the break
8 about anything else related to your testimony?

9 A. No. I just discussed this issue, raised
10 this issue.

11 Q. Let's get back to education.

12 A. (In English.) Yes.

13 Q. You'd agree that the perpetrators in these
14 six attacks were not influenced by the textbooks cited
15 in the report; correct?

16 A. I cannot state that unequivocally. Because
17 it's possible that they saw that material either in
18 their own homes or in the homes of others. And if
19 we're talking about people in their late teens or early
20 20s, then the fact is that they were certainly exposed
21 to materials -- if not those materials that were set
22 forth in the report, then certainly to other materials
23 of similar content.

24 Q. Well, the textbooks referenced in the report
25 were first published in 1999 into 2000; correct?

1 A. Correct.

2 Q. And it was only two school grades each year;
3 correct?

4 A. Those are the examples that I cited. There
5 are certainly a wide range of examples from different
6 years. And I'm sure that it's possible to argue that
7 even the books that the -- the textbooks that were used
8 before 1999 or 2000 could have been problematic, even
9 if they were problematic in an informal kind of way.

10 The fact is that the Palestinian Authority
11 is operating in the area from 1994, 1995, so that it's
12 certainly possible that the atmosphere in the classrooms
13 was clearly full of incitement and anti-Israeli in
14 nature, even if the textbooks did not reflect this
15 at that period of time.

16 Q. Mr. Shrenzel, your report only discusses
17 textbooks published beginning in 1999 to 2000; correct?

18 Excuse me.

19 The report that you signed your name to only
20 discusses the textbooks published beginning in 1999 to
21 2000; is that correct?

22 A. Yes.

23 Q. There is no discussions in the report about
24 textbooks back in the '80s and early '90s; correct?

25 A. Yes.

1 Q. And the alleged perpetrators of these six
2 attacks were not children; correct?

3 A. Correct.

4 Q. And you have no evidence that the alleged
5 perpetrators of these attacks read the textbooks that
6 are cited in your report; correct?

7 A. I never argued that.

8 Q. You have no evidence that the textbooks cited
9 in the report were read by the alleged perpetrators;
10 correct?

11 MR. YALOWITZ: Asked and answered.

12 MR. SATIN: It was asked but not answered.

13 THE WITNESS: No, I have no such evidence.

14 Q. BY MR. SATIN: Let's discuss this next section
15 briefly about sermons, on page 9 in the first paragraph,
16 under where it says:

17 "Religious Preaching by Members of the
18 Clergy."

19 Do you see where I'm looking?

20 A. (In English.) Yes. Yes.

21 Q. The last sentence says:

22 "The imams and others serving the mosques
23 are officials of the Palestinian government's Ministry
24 of Religious Affairs. They have occasionally attacked
25 Israel."

1 Do you see those two sentences?

2 A. Yes.

3 Q. There is no support for those two statements
4 in your report; correct?

5 A. Once again, the reference will appear later
6 on, whereas here I gave a specific example.

7 Q. Well, the specific -- the next paragraph
8 begins "an example of this"; correct?

9 A. Yes.

10 Q. And do you mean an example of religious
11 preaching or an example of an attack against Israel?

12 A. My intent is to a sermon that contains
13 content, clearly anti-Israeli content, incitement for
14 violence against Israel, and praise and extollment [sic]
15 of perpetrators of terrorist attacks.

16 Q. The example you're referring to is statements
17 by Ibrahim Mudeiris; correct?

18 A. Yes.

19 Q. That is in the MEMRI report that we discussed
20 earlier; correct?

21 A. Correct.

22 Q. Please take out that MEMRI report, which for
23 the record is Defendants' Exhibit 428.

24 A. I have it in front of me.

25 Q. Have you listened to the sermon?

<p style="text-align: right;">Page 70</p> <p>1 A. No.</p> <p>2 Q. Do you know how many Palestinians heard the</p> <p>3 sermon?</p> <p>4 A. I certainly cannot provide you with an exact</p> <p>5 number.</p> <p>6 Q. Do you know whether the sermon was broadcast</p> <p>7 in its entirety?</p> <p>8 A. (In English.) Again, please?</p> <p>9 Q. (Translated.) Do you know whether the sermon</p> <p>10 was broadcast in its entirety?</p> <p>11 A. No.</p> <p>12 Q. Looking at Defense 428, there are a number</p> <p>13 of sections to this document; correct?</p> <p>14 A. Yes.</p> <p>15 Q. And the first section involves calls to end</p> <p>16 incitement and violence; correct?</p> <p>17 A. Yes.</p> <p>18 Q. And, in fact, under the introduction at the</p> <p>19 very top of the page is a statement from Palestinian</p> <p>20 Prime Minister Mahmoud Abbas; right?</p> <p>21 A. Yes.</p> <p>22 Q. And it says:</p> <p>23 "We will work against incitement to violence</p> <p>24 and hatred, whatever their form or forum. We will take</p> <p>25 measures to ensure there is no incitement emanating from</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Yes, in the MEMRI report.</p> <p>2 A. On what page?</p> <p>3 Q. Page 2.</p> <p>4 A. (In English.) Under --</p> <p>5 (Translated.) Under what heading, please?</p> <p>6 Q. Below the report of "reducing the combative</p> <p>7 tone against Israel," there is discussion of a broadcast</p> <p>8 of the peace song on Palestinian TV; correct?</p> <p>9 A. (In English.) Yes.</p> <p>10 (Translated.) Yes, there is a mention of</p> <p>11 a peace song.</p> <p>12 Q. And then there are lyrics from the song</p> <p>13 as well; correct?</p> <p>14 A. Yes.</p> <p>15 Q. The document 428 is how many pages long?</p> <p>16 A. Thirteen pages.</p> <p>17 Q. And you just cited the one statement by</p> <p>18 Ibrahim Mudeiris; correct?</p> <p>19 That is the only one that is stated in your</p> <p>20 report, or stated in the report.</p> <p>21 A. I'm not certain. There's also reference</p> <p>22 to the caricatures that appear later on.</p> <p>23 Q. Very well.</p> <p>24 A. Because there's a series of pages here --</p> <p>25 there is a series of pages here, from page 8 until</p>
<p style="text-align: right;">Page 71</p> <p>1 Palestinian institutions."</p> <p>2 That's what it says; correct?</p> <p>3 A. Yes.</p> <p>4 Q. And that's not put in your report, that</p> <p>5 statement; correct?</p> <p>6 A. Correct.</p> <p>7 Q. On page 2, there is a section where it says,</p> <p>8 "Calls to End Incitement and Violence"; correct?</p> <p>9 A. Yes.</p> <p>10 Q. And there is information provided by the</p> <p>11 Palestinian daily Al-Hayat Al-Jadida; correct?</p> <p>12 A. Yes.</p> <p>13 Q. And what is reported is that the Palestinian</p> <p>14 Authority told local media to reduce the, quote,</p> <p>15 "combative tone against Israel"; correct?</p> <p>16 A. Yes.</p> <p>17 Q. But you didn't put that in your report either?</p> <p>18 That was not put into the report; correct?</p> <p>19 A. Yes. However, I provided the report in its</p> <p>20 entirety as reference.</p> <p>21 Q. And below that quote from the newspaper --</p> <p>22 the news agency Al-Hayat Al-Jadida, it says there is</p> <p>23 a broadcast of a peace song on Palestinian TV; correct?</p> <p>24 A. (In English.) Again, please? You mean in</p> <p>25 the MEMRI report?</p>	<p style="text-align: right;">Page 73</p> <p>1 the end of the report, which contain caricatures, all</p> <p>2 of which belong to the category of incitement and not</p> <p>3 to the category of reduction of incitement.</p> <p>4 Q. Well, the only footnote in the report that</p> <p>5 cites the MEMRI report is footnote 10; correct?</p> <p>6 A. (In English.) Again, please?</p> <p>7 Q. The only place that the MEMRI report is listed</p> <p>8 in this report is in footnote 10; correct?</p> <p>9 A. I can accept that as an assumption. I</p> <p>10 cannot -- I cannot say that with absolute certainty.</p> <p>11 And for the purposes of this discussion, I'm willing</p> <p>12 to accept that determination.</p> <p>13 Q. Okay. Let's discuss speeches by Yasser</p> <p>14 Arafat. Page 11.</p> <p>15 Do you agree that you do not conduct a</p> <p>16 comprehensive analysis of Yasser Arafat's speeches?</p> <p>17 Correct?</p> <p>18 A. Yes. That would have necessitated hundreds</p> <p>19 of additional pages. And as stated, as I noted, I</p> <p>20 knew that an extensive expert opinion was supposed</p> <p>21 to be filed on the subject of incitement.</p> <p>22 Q. The report ends with the statement that</p> <p>23 Yasser Arafat threatened to renew the armed struggle.</p> <p>24 Do you see where it says that, on page 11?</p> <p>25 A. Are you talking about the place where the</p>

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1 citation ends or where the quote ends?

2 Q. Right before the quote, the report states:
3 "He threatened to renew the armed struggle."

4 A. (In English.) I didn't find it.
5 (Comment in Hebrew by the witness.)

6 THE WITNESS: (In English.) "He threatened
7 to renew the armed struggle." Okay.

8 Q. BY MR. SATIN: And then there is a quote
9 that follows; right?

10 A. Yes.

11 Q. And that quote is cited to footnote 15;
12 correct?

13 A. Yes.

14 (Defendants' Exhibit 429 marked.)

15 Q. BY MR. SATIN: I'm showing you what's been
16 marked as Defense Exhibit 429.

17 A. Maybe you have an enlarged copy of this?
18 I can read this, but it'll be complicated. And perhaps
19 it will also be damaging to my eyesight.

20 Q. Well, Mr. Shrenzel, you'd agree that this
21 is the document that the report cites in footnote 15?

22 A. Yes.

23 Q. And this isn't the actual speech of Yasser
24 Arafat. It's a newspaper article that covers one of
25 his speeches; correct?

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1 Q. You'd agree that the portion of the newspaper
2 article in which Arafat stated "we support peace, but
3 a just and comprehensive one" is not in the report?

4 Correct?

5 MR. YALOWITZ: Objection. Misstates the
6 witness' testimony.

7 Q. BY MR. SATIN: Fair enough.

8 You'd agree that the language you just quoted
9 about peace was not placed into the report?

10 A. Correct.

11 Q. Was the decision to put in portions of that
12 article into the report made by you or the team?

13 A. I cannot state that I can say unequivocally.
14 I assume that it was initially by the team. But I'm
15 emphasizing that, with respect to the entire report,
16 the responsibility is mine and mine alone.

17 MR. SATIN: Off the record.

18 (Brief discussion held off the record.)

19 Q. BY MR. SATIN: Mr. Shrenzel, for your work
20 in connection with this case, you didn't do a formal
21 study of the Palestinian media; correct?

22 A. Correct.

23 Q. And you've never done a formal study of the
24 Palestinian media; correct?

25 A. Correct.

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1 A. (In English.) This is a Reuters --
2 (Translated.) This is a report by Reuters,
3 as I read here. But it certainly gives direct quotes
4 from Arafat's speech according to Reuters. It's not
5 a recording. It's a report.

6 Q. According to the Reuters report, Yasser Arafat
7 said:

8 "We support peace, but a just and
9 comprehensive one."

10 Correct?

11 A. Could you show me the place? Could you
12 show me the place? I really am having a hard time
13 finding it, given the tiny size of the font.

14 Q. It's in the ninth paragraph of that article.

15 A. Okay. With a modicum of effort, I have
16 located it.

17 Q. It does say that; correct?

18 A. (Translated.) I'll translate that to the
19 best of my generally good capacity in Arabic:

20 "We are with peace; however, with just and
21 comprehensive peace."

22 (In English.) And -- okay. And there was
23 a continuation, but you didn't --

24 (Translated.) There was a continuation, but
25 you didn't address it.

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1 Q. Let's talk about the specific attacks at
2 issue in this case.

3 The report addresses six attacks; correct?

4 A. Yes.

5 Q. Are you aware that there are seven attacks
6 in this lawsuit?

7 A. Yes.

8 Q. Did the report draft you received include
9 information about a bombing that took place at Hebrew
10 University?

11 A. No.

12 Q. Were you ever asked to render an opinion
13 about the Hebrew University bombing?

14 A. No.

15 Q. And you didn't personally witness any of
16 the six attacks; correct?

17 A. No.

18 Q. And you don't personally know any of the
19 alleged perpetrators of these attacks; correct?

20 A. Personally? Do I know them personally?

21 Q. Correct.

22 A. No.

23 Q. Did you ever interrogate any of the alleged
24 perpetrators?

25 A. No.

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1 Q. Have you ever done interrogations?
 2 A. I prefer not to respond to that question.
 3 Q. You have to answer the question, Mr. Shrenzel.
 4 MR. YALOWITZ: I instruct the witness not
 5 to answer the question.
 6 MR. HILL: What's the basis?
 7 MR. YALOWITZ: It calls for information that
 8 might be of a confidential nature under his obligations
 9 as a former employee of the ISA.
 10 MR. SATIN: He hasn't said that.
 11 MR. HILL: Well, let's see. Why don't you
 12 ask him that question and see what he says.
 13 Q. BY MR. SATIN: Have you done interrogations,
 14 Mr. Shrenzel?
 15 MR. YALOWITZ: Objection.
 16 And instruct --
 17 (Comment in Hebrew by the witness.)
 18 MR. YALOWITZ: Objection.
 19 Instruct the witness --
 20 THE WITNESS: (In English.) I am --
 21 MR. YALOWITZ: Just wait.
 22 THE WITNESS: (In English.) Okay.
 23 MR. YALOWITZ: Objection.
 24 I instruct the witness not to answer on the
 25 basis previously asserted.

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1 Q. BY MR. SATIN: Is the reason you don't want
 2 to answer that question because you have received
 3 classified information about interrogations?
 4 A. No. The reason is that I'm not interested
 5 in responding on anything in a detailed or individual
 6 way to the characteristics of my overall employment
 7 with the General Security Services, or the security
 8 services.
 9 At the outset of the report, it was stated --
 10 and I stand by that -- that the primary focus of my
 11 work was analysis, assessment, and supervision of
 12 people who engage in that. And beyond that, I do
 13 not wish to provide any more detailed information.
 14 Q. Well, Mr. Shrenzel, since what you're
 15 telling us is that it's not illegal for you to answer
 16 the question, I'm going to ask you again: Have you
 17 conducted interrogations as part of your work in
 18 Israeli intelligence?
 19 MR. YALOWITZ: Same instructions. Same
 20 objection.
 21 MR. HILL: What's the basis?
 22 MR. YALOWITZ: Same basis.
 23 Q. BY MR. SATIN: Mr. Shrenzel, are you saying
 24 there is something in the Israeli law that prohibits
 25 you from answering questions about the interrogations

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1 you've done at the intelligence agency?
 2 A. I don't know. I'm no legal expert. I am
 3 present here without any legal counsel, on behalf of
 4 my former employer. But as a former member of the
 5 intelligence community, who possesses common sense,
 6 it seems to me that any statement beyond that which
 7 I've set forth at the outset of the report is an
 8 inappropriate one.
 9 Q. Has anyone told you not to answer questions
 10 about the interrogations at the Israeli intelligence?
 11 A. No. Nobody spoke to me about that, nobody
 12 from the team, no one from the lawyers, and no one
 13 from the ISA.
 14 Q. Mr. Shrenzel, when you were working in Israeli
 15 intelligence at the ISA, did you review documents that
 16 pertained to any of these six incidents?
 17 A. To the best of my recollection, no.
 18 Q. Have you ever met any of the alleged
 19 perpetrators of these six attacks?
 20 A. No.
 21 Q. So for each of the six incidents, you provide
 22 or the report provides a brief summary of what happened
 23 in that incident; correct?
 24 A. Yes.
 25 Q. And the report also provides a summary of

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1 the perpetrators allegedly involved in these attacks;
 2 correct?
 3 A. Yes.
 4 Q. The report provides a profile of each of
 5 their -- or of many of the perpetrators; correct?
 6 A. Yes.
 7 Q. And what you're saying is that that
 8 information is based on documents you've read in
 9 connection with your work in this case in 2013?
 10 A. Yes.
 11 Q. In other words, documents were provided
 12 to you, and then you read them and provided the
 13 information, based on your reading of those documents?
 14 A. That is, in fact, the case.
 15 Q. And one of the things that is done in the
 16 report is an attempt to understand what the Palestinian
 17 Authority was thinking at the time of these incidents;
 18 correct?
 19 A. Definitely.
 20 Q. To show what the goals and motivations of
 21 the Palestinian Authority were at the time; correct?
 22 A. Not only that. More than that.
 23 It was on the concrete level that pertains
 24 to the organizational attribution or belonging of
 25 the perpetrators of the terrorist attacks -- the

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fact that they are on the payrolls of various and sundry Palestinian organizations, as well as the manner in which Palestinian elements addressed in various publications, of course, were showing that they referred to the perpetrators in a positive and sympathetic manner, as well as to their actions.

Q. But, in essence, Mr. Shrenzel, the report is an attempt to get inside the head of the PA; correct?

A. No, not necessarily to get inside the head of -- not necessarily to get inside the head of it, but more to get into the outcome of the Palestinian -- the various outcomes of the Palestinian bureaucracy. To the contrary, the idea is not to focus on abstract things, but rather on concrete evidence from which we can deduce things with respect to the conduct and attitudes of the Palestinian Authority.

Q. Would you agree that attitude and conduct refers to the thinking and feeling of the Palestinian Authority?

A. To a certain extent. But, again, we arrive there by way of concrete evidence. Because your statement, your prior statement, hinted at an attempt to --

CHECK INTERPRETER AVITAL: "Decipher."

OFFICIAL INTERPRETER NE'EMAN: "Decipher."

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Thank you.

THE WITNESS: -- decipher some kind of psychology. And my preference is to speak in a language of facts and documents.

Q. BY MR. SATIN: Now, the last incident discussed in the report is the Guetta shooting; correct?

A. Yes.

Q. That incident happened chronologically before the other five incidents; correct?

A. Yes.

Q. And the other incidents are discussed chronologically; correct?

A. Yes.

Q. Who decided to put the Guetta incident last instead of first?

A. I think that was the way in which the things appeared when I received the initial draft.

Q. Well, let's talk about the Guetta shooting, then.

A. Yes. I would just like to find the place in which it appears, please.

Q. The bottom of page 73.

A. I have, in fact, found it.

MR. YALOWITZ: Can we pause for a minute?

MR. HILL: Let's take a break.

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(Recess from 2:00 p.m. to 2:18 p.m.)

Q. BY MR. SATIN: Mr. Shrenzel, on page 74 to page 75, you list nine shootings from 2000 to 2002; correct?

A. Yes.

Q. And according to the report, these shootings were all done by a PA or Palestinian Authority security or police officer; correct?

A. Allow me to take half a moment or a few more seconds to review it.

(Examining.) Yes, that is correct.

Q. And the report states that these nine shootings that were done by a Palestinian Authority security or police officer, that information comes from the verdict of Marwan Barghouti; correct?

A. Yes. And also from an official website -- website of the Foreign Ministry of the State of Israel.

Q. And neither of those documents list the Guetta shooting; correct?

A. (In English.) No.

(Translated.) No.

Q. As in that is correct?

A. Yes. It's correct that there is no mention of the Guetta incident. That might also be because that ended only with an injury and not with murder.

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And a majority of the published news items or the published items have to do with cases that ended with a loss of life.

Q. Well, No. 8) on page 75 states that six persons were injured; correct?

A. Yes.

Q. And No. 7) says one person severely?

A. Yes.

Q. It's not true that the Barghouti verdict only discusses murder cases?

A. No, I did not say solely and exclusively. But, generally, the reference is to incidents that ended with death.

Q. Now, the report says, on page 74, before discussing the nine incidents, that those attacks had, quote:

"Similar characteristics to those of the attack of January 8, 2001."

A. That is, in fact, the case.

Q. But the date of the shootings are not the same; correct?

A. I did not understand the point exactly.

Q. The Guetta shooting happened on January 8th, 2001; correct?

A. (In English.) Okay.

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1 (Translated.) Yes.
 2 Q. The other shootings happened over a span of
 3 15 months; correct?
 4 A. Yes.
 5 Q. The location of the shootings are not all
 6 the same; correct?
 7 A. I shall explain. The intent is to show a
 8 similar pattern that takes place in the extended area
 9 in which the Guetta terrorist attack took place.
 10 Q. The Guetta shooting happened on the Givat
 11 Ze'ev Road; correct?
 12 A. Yes.
 13 Q. And the other shootings, the other nine
 14 shootings that are mentioned in the report did not
 15 happen on the same street; correct?
 16 A. Certainly not in the same exact place.
 17 Q. And not in the same town either; correct?
 18 A. Givat Ze'ev is not a town. It's a settlement.
 19 Q. The other shootings did not happen in that
 20 settlement; correct?
 21 A. (Translated.) Okay. Correct.
 22 (In English.) But not far.
 23 (Translated.) But not far from there either.
 24 Q. According to the report, all the shootings
 25 happened within a 15-mile radius of Jerusalem; correct?

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1 A. (Translated.) Correct. Approximately.
 2 (In English.) Approximately.
 3 Q. And you agree Israel is a small country,
 4 relatively speaking?
 5 A. Definitely.
 6 Q. The time of day of the shootings are not
 7 all the same either; correct?
 8 A. Certainly. As you have noted, we are talking
 9 about a period of time extending over 15 months.
 10 Q. But I mean the time of the day -- morning,
 11 afternoon, or evening -- the shootings did not all
 12 happen at the same time of the day; correct?
 13 A. I assume so, but I did not examine that
 14 issue at all.
 15 MR. YALOWITZ: I think the witness will
 16 accept your representation.
 17 Q. BY MR. SATIN: Mr. Shrenzel, you'd agree
 18 that some of these shootings happened in the morning,
 19 some in the afternoon, and some in the evening?
 20 A. I can't make any comment on that. If that's
 21 something that you have examined, I'll be happy to
 22 hear about it.
 23 MR. SATIN: Unless you want to stipulate.
 24 MR. YALOWITZ: It's your deposition. You're
 25 asking questions.

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1 MR. HILL: Very well.
 2 MR. YALOWITZ: So if you want to show
 3 documents and spend time on it, that's fine. I don't
 4 have enough knowledge to stipulate about it. But if
 5 you want to ask him questions on the assumption that
 6 it's true, that's fine as well. However you want to
 7 proceed is fine with us.
 8 (Defendants' Exhibit 430 marked.)
 9 Q. BY MR. SATIN: Mr. Shrenzel, I'm showing you
 10 what is marked as Defense Exhibit 430.
 11 Defense Exhibit 430 is the website that is
 12 cited in footnote 323; correct?
 13 A. I did not hear the number, please?
 14 Q. Footnote 323.
 15 A. It seems so.
 16 Q. And the first incident listed has a date of
 17 December 21st, 2000; correct?
 18 A. I see that. Yes.
 19 Q. And that's No. 1) on page 74 of the report;
 20 correct?
 21 A. Yes. There's no mention here of the name.
 22 But that appears to be the case. There's no mention
 23 of the name of the victim here, but that appears to
 24 be the case.
 25 Q. And you'd agree that, on page 74, it says

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1 that the incident happened on Highway 443; correct?
 2 A. (In English.) Highway 443. Yes.
 3 (Translated.) Yes.
 4 Q. And on No. 1, it says "Place of Incident" --
 5 it says "Road 443"?
 6 A. Therefore, I said that the things appear to
 7 be consistent.
 8 Q. And the time of that incident is 20:30 hours;
 9 correct?
 10 A. Yes.
 11 Q. And No. 2 on the website, which is Defense
 12 Exhibit 430, has an incident date of December 31st,
 13 2000?
 14 A. The 31st of December in the year 2000. Yes.
 15 Q. And that is the incident which took place
 16 on Road 60; correct?
 17 A. Yes.
 18 Q. And then, on page 74 of the report, it said
 19 incident No. 2) is a shooting on December 31st, 2000,
 20 on Highway 60; correct?
 21 A. Yes.
 22 Q. And the incident, as reflected in Defense 430,
 23 shows that this incident happened at 06:30 hours;
 24 correct?
 25 A. 6:30 in the morning. Yes.

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<p>1 Q. No. 3 on Defense 430 is an incident on 2 January 25th, 2001. 3 A. That is, in fact, the case. 4 Q. And the time of that incident is 18:15 hours; 5 correct? 6 A. Yes. 7 Q. And that's reflected in the incident No. 3) 8 on page 74? 9 A. Yes. 10 Q. If you'd turn to page 3 of Defense 430. 11 A. Yes. 12 Q. What's listed as No. 18 -- 13 A. Yes. 14 Q. -- there is an incident dated February 25th, 15 2001; correct? 16 A. Yes. 17 Q. And that's at the Atara bridge; correct? 18 A. Yes. 19 Q. And then incident No. 7) in the report, on 20 page 75, has that incident; correct? 21 A. That is, in fact, the case. 22 Q. And according to Defense 430, this incident 23 occurred at 13:15 hours? 24 A. Yes. 25 Q. So even from just looking at a few of these,</p>	<p>1 for the claim that the shooters -- there were the 2 same number of shooters involved in each of these 3 nine incidents; correct? 4 A. No, I didn't write any such thing. 5 Q. And the victims in these nine cases were 6 not all the same sex; correct? 7 A. There are only two options, no? 8 Q. Correct? 9 A. Yes. 10 Q. And you would agree, they weren't all either 11 male or all female; correct? 12 A. Definitely. 13 Q. The victims were not all the same age; 14 correct? 15 A. Definitely. 16 Q. "Definitely" as in you agree? 17 A. (In English.) Yes, I agree with you. 18 (Translated.) I agree with you on that 19 matter. 20 Q. The victims were not all wearing a particular 21 type of religious garb? 22 A. I did not examine that issue. I assume that 23 you're correct. 24 Q. There is no evidence in the report that says 25 they all were wearing a particular type of religious</p>
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<p>1 we have incidents that take place in the morning, the 2 afternoon, and the evening; correct? 3 A. Yes. 4 May I add something? You may be angry, 5 but the only thing that that proves is that they're 6 accustomed to getting up early in the morning -- 7 (Brief exchange in Hebrew among Official 8 Interpreter Ne'eman, Check Interpreter Avital, 9 and the witness.) 10 OFFICIAL INTERPRETER NE'EMAN: "Willing" -- 11 "willing to get up early in the morning." 12 THE WITNESS: -- willing to get up early 13 in the morning and to go to sleep very late at night 14 for the sole purpose of killing Jews. 15 And if I'm going to be a bit less cynical, 16 this derives from operational considerations on the 17 part of the terrorists. 18 Q. BY MR. SATIN: Mr. Shrenzel, the number 19 of shooters in each of the shootings is not the same; 20 correct? 21 I'm no longer looking at Defense 430. I'm 22 just asking you the question. 23 A. I did not go into the resolution in depth. 24 But if that's the situation, I accept your statements. 25 Q. Well, your report doesn't cite any evidence</p>	<p>1 garb; correct? 2 A. Definitely correct. 3 Q. And you don't have any evidence to suggest 4 that they were; correct? 5 A. Correct. 6 Q. And the shooters were not always shooting 7 from a vehicle; correct? 8 A. Correct. 9 Q. And there is no evidence that the same 10 weapon was used in the Guetta shooting as in the 11 other shootings; correct? 12 A. Correct. 13 Q. According to the report, Fawzi Marar was 14 one of the shooters in the Guetta case; correct? 15 A. Correct. 16 Q. The report states on page 75: 17 "Counsel for the plaintiffs have informed 18 me that Mrs. Guetta has identified one of the terrorists 19 in the cell that opened fire towards her as Fawzi 20 Marar." 21 A. That is, in fact, what's written. 22 Q. Now, Mr. Shrenzel, did you speak to counsel 23 for the plaintiffs, or was that a conversation between 24 counsel for the plaintiffs and the team? 25 A. (In English.) Oh, I also can view --</p>

(Translated.) Those are things that I heard from the team who I noted previously. I was told that there was a line-up that was conducted by the attorneys. Because I'm not a legal expert and I'm not an expert on the matter of line-ups, I wrote the things exactly as they were reported to me, that these were the results of the line-up.

Q. Did you, Mr. Shrenzel, receive any other information about this line-up other than what you just testified to?

A. No.

Q. Did you know that Mrs. Guetta testified in 2007 under oath that she couldn't identify the shooter's face?

MR. YALOWITZ: Objection. Misstates the record.

Q. BY MR. SATIN: I'm asking a question: Did you know that Mrs. Guetta testified in 2007 under oath that she couldn't identify the shooter's face?

MR. YALOWITZ: Objection. There's no basis in the record for this question.

THE WITNESS: (In English.) I'm not aware of this.

(Translated.) I'm not aware of that.

Q. BY MR. SATIN: Do you know that she couldn't

respectful.

Q. Did you know that the identification, the line-up that you mentioned, took place in 2013, over twelve years after the shooting?

A. No.

Q. Do you know that the identification procedure, what you're referring to as a line-up, was done by Mrs. Guetta's lawyer, not by a police officer or investigator?

A. (In English.) This is implied --

(Translated.) This was perhaps implied or hinted at. But I'm explaining in the most explicit possible terms that I didn't consider it part of my responsibility to address the nuances of the line-up. I'm not an expert either on drawings --

CHECK INTERPRETER AVITAL: "Composite portraits."

OFFICIAL INTERPRETER NE'EMAN: Yes, "composite portraits." Thank you.

THE WITNESS: -- composite portraits or pictures pertaining to the line-up.

Q. BY MR. SATIN: Do you know the photo array, the line-up -- what you're calling the line-up that was shown to Mrs. Guetta did not have any known innocent fillers?

tell -- Mrs. Guetta, that is -- if the shooters were Palestinian or Israeli?

MR. YALOWITZ: Objection. Misstates the record.

THE WITNESS: I don't know anything about that either.

Q. BY MR. SATIN: Do you know that the only description of one of the shooters she gave was that he had a mustache and dark skin?

MR. YALOWITZ: Objection. Misstates the record.

THE WITNESS: As I stated, I'm not proficient about the details pertaining to the line-up. And if you will allow me to state so, I believe that the court is the entity that will determine that.

Q. BY MR. SATIN: I'm going to ask you a series of questions about this, Mr. Shrenzel, and I understand that you don't --

A. (In English.) Yes, I respect --

Q. -- that you haven't -- you respect that. But then, afterwards, I'm going to ask you -- well, let me just start.

A. First, previously, you said that perhaps there was something that was disrespectful. So I'm trying to learn the lesson from that and to be more

A. What do you mean by "fillers"? I did not understand.

Q. Are you aware that the line-up that was shown to her, it was not clear -- there was no evidence that any of the people in it were innocent?

MR. YALOWITZ: Objection. Misstates the record.

THE WITNESS: No, I don't know about that.

Q. BY MR. SATIN: Do you know that the identification procedure was not videotaped?

A. Same thing. Same as above. I don't know anything about that.

Q. Now, Mr. Shrenzel, suppose that you did have all of the information that I just asked you about. Suppose all that information is true.

Would that information change your opinion about whether Fawzi Marar was the shooter?

A. I'll explain again. I'm stating the fact here that Fawzi Marar was identified in a line-up. I'm not establishing here whether the outcome of that line-up was accurate. And if I knew all of those details, it's very possible that I would leave the statement in place. Also -- that's also by virtue of my understanding that the attorneys that conducted the line-up knew, for example, that it was in 2013 --

<p style="text-align: right;">Page 98</p> <p>1 OFFICIAL INTERPRETER NE'EMAN: 2003. 2 CHECK INTERPRETER AVITAL: He said "2013." 3 (Comment in Hebrew by Official Interpreter 4 Ne'eman.) 5 CHECK INTERPRETER AVITAL: He said "2013." 6 That's what he said. 7 THE WITNESS: The fact is that I have no 8 ability to substantiate your statements. 9 Q. BY MR. SATIN: What I'm saying is, assume 10 for the moment that the statements I have made were 11 true. 12 A. Uh-huh. 13 Q. Would that change your opinion that Fawzi 14 Marar was the shooter? 15 A. I have no determination -- contrary to the 16 other cases, I have no unequivocal determination that 17 Fawzi Marar was the shooter. I'm noting his name as 18 the person who was identified in a line-up. And it 19 shows how that terrorist attack was consistent with 20 other terrorist attacks that were perpetrated in a 21 similar area, against similar targets, and by similar 22 organizational attributions or belonging. 23 Q. So do you have an opinion about whether 24 or not Fawzi Marar was the shooter, other than the 25 information you received from the team that spoke to</p>	<p style="text-align: right;">Page 100</p> <p>1 Fawzi Marar's involvement in the shooting, you don't 2 have information that Fawzi Marar was involved in the 3 shooting? 4 A. Yes, I have answered that. You are correct. 5 You are right. 6 Q. In the conclusion -- well, on page 75, it 7 says in bold: 8 "It is therefore very likely that the attack 9 on the Guettas, too, was carried out by PA security 10 forces." 11 Correct? 12 A. That is, in fact, the case. 13 Q. And the words "very likely," that's not in 14 reference to any type of legal standard; correct? 15 MR. YALOWITZ: Objection. Calls for a legal 16 conclusion. 17 MR. SATIN: No, it doesn't. I'm asking if, 18 in his mind, it is referring to a legal standard. 19 THE WITNESS: (In English.) I don't -- 20 (Translated.) I generally don't write out 21 of a legal perspective. So I assume that this statement 22 as well was not written on the basis of any kind of 23 legal perspective. And we have to also remember -- 24 OFFICIAL INTERPRETER NE'EMAN: Okay. We 25 need to do something, because --</p>
<p style="text-align: right;">Page 99</p> <p>1 the lawyers? 2 A. We're noting in the experts' opinion 3 information that was provided by another member of 4 the security forces that indicates the involvement 5 of Fawzi Marar in a shooting terrorist attack in 6 this form. The same person did not explicitly state 7 that Fawzi Marar was the shooter in the Guetta case. 8 Q. So apart from the information you learned 9 from the team, you don't have information that Fawzi 10 Marar was the shooter of this -- of the Guettas; 11 correct? 12 A. I think it would be accurate to state that. 13 Q. Now, at some point Israel announced -- 14 A. I wish to add: To a certain extent, it 15 reminds me of the saying that, if Shakespeare didn't 16 write his plays, perhaps it was somebody else by the 17 name of Shakespeare. 18 Because, ultimately, the Palestinian 19 Authority, which is the defendant here, even if there 20 are doubts with respect to Fawzi Marar, then it could 21 be somebody else from the list that's mentioned here. 22 Whether or not there is any kind of decisive difference 23 here, that's not up to me to judge. 24 Q. You agree, though, Mr. Shrenzel, that apart 25 from the information you received from the team about</p>	<p style="text-align: right;">Page 101</p> <p>1 MR. YALOWITZ: You have to pause so that 2 the translator can translate. 3 THE WITNESS: (In English.) Okay. 4 (Comment in Hebrew by the witness.) 5 OFFICIAL INTERPRETER NE'EMAN: I think you 6 should go back a couple of sentences, because I'm not 7 sure we have everything on the record. 8 THE WITNESS: Because I'm not a legal 9 expert and I'm not accustomed to writing from a legal 10 perspective, therefore I assume that the expression 11 that's written here also is not written out of a legal 12 perspective or on the basis of a legal standard. 13 Q. BY MR. SATIN: You'd agree that no court 14 has ever said it is very likely that this attack was 15 carried out by the Palestinian security forces; correct? 16 A. Yes, I know that neither Fawzi Marar nor any 17 other person was tried with respect to this terrorist 18 attack. 19 Q. And at some point, Israel announced the death 20 of Fawzi Marar; correct? 21 A. That is, in fact, the case. 22 Q. And Israel listed those attacks that Fawzi 23 Marar was involved in; correct? 24 A. I don't recall that. I do not believe that 25 we noted that in the report. I'm willing to examine</p>

1 it again, with your permission.

2 Q. I haven't asked you about the report,
3 Mr. Shrenzel. I've just asked you to start over.

4 A. (In English.) Please.

5 Q. Israel, when it announced the death of
6 Fawzi Marar, listed those attacks that Fawzi Marar
7 was involved in; correct?

8 A. I do not know. I'm not familiar with the
9 official document that the State of Israel published
10 that pertains to the terrorist record of Fawzi Marar.

11 Q. Are you aware that Israel has never listed
12 the Guetta shooting as one of the shootings that was
13 done by Fawzi Marar?

14 A. I cannot respond to that question accurately,
15 because I'm not familiar with the document that you
16 state that Israel sets forth the sins and wrongdoings
17 of that same person.

18 Q. On page 20 --

19 A. If you have that document in your possession,
20 I'm willing to review it.

21 Q. On page 20, you discuss the incident on
22 January 22nd, 2002.

23 A. (Translated.) Allow me to breathe a little
24 bit.

25 (In English.) Okay. On page 20, yes?

1 Page 20.

2 (Translated.) Yes. Go ahead.

3 Q. The third paragraph from the top states --
4 and now we're talking about the incident on January
5 22nd, 2002. You understand that; correct?

6 A. Yes, I understand which act of terror your
7 statements pertain to.

8 Q. And the third paragraph says:

9 "Analysis of the individual profiles of the
10 six Palestinian Authority officers involved in this
11 attack indicates a positive and supportive attitude
12 on the part of the Palestinian Authority towards the
13 attacks and their perpetrators, as discussed below."

14 It says that; correct?

15 A. Indeed.

16 Q. It says "attacks."

17 Do you mean there are more than one, or do
18 you just refer -- is that a mistake?

19 A. (In English.) "Involved in this attack."

20 What do you mean?

21 Q. Is the word "attacks" in the third sentence --

22 A. (In English.) Aah, "towards the attacks."

23 Q. Is that a mistake?

24 A. Okay. You can delete the "s."

25 Q. I just want to know, are you referring --

1 is the report referring to one -- more than one
2 attack or just one?

3 A. In this specific case, on this page, the
4 report addresses one specific attack -- or -- or
5 a specific attack. But, of course, because we're
6 analyzing the attitude of the Palestinian Authority
7 toward specific people, the fact is that, unfortunately,
8 these people perpetrated and were involved in more
9 than one attack so that, if we're talking about the
10 attitude toward them, the fact is that it's definitely
11 possible to say that this pertains to the attitude
12 toward a series of terrorist attacks that they
13 perpetrated.

14 For example, Nasser Aweis, when the
15 Palestinian Authority extolls him as a hero, it's
16 not only because of the terrorist attack that took
17 place on January 22nd, but due to the series of
18 actions that he perpetrated.

19 Q. All right. In the middle of page 20, down
20 below in the second sentence, it says:

21 "Indeed, the evidence indicates that these
22 men were recruited into the PA security forces because
23 of their prior records."

24 A. Yes.

25 Q. What evidence is cited in the report for

1 the claim that they were specifically recruited into
2 the PA security forces because of their prior records?

3 A. (In English.) Maybe there is no --

4 (Translated.) Perhaps there is no specific
5 reference for that fact. But those perhaps fall
6 within the purview of things that are general knowledge,
7 that most of the recruits for the Palestinian security
8 forces had a record of terrorist activity prior to
9 the emergence of the Palestinian Authority.

10 Q. The report doesn't cite any evidence that
11 the hiring entity had actual knowledge of their prior
12 records; correct?

13 A. I didn't understand the question.

14 Q. The report does not cite any evidence that
15 the hiring entity had actual knowledge of their prior
16 records; correct?

17 A. (In English.) Again, I don't know --

18 (Translated.) I don't know if this refers
19 to specific evidence or reference. But I definitely
20 stand behind the argument that the Palestinian
21 Authority, at the time that it recruited most of the
22 people who are mentioned there, or even all of them,
23 clearly knew about their pasts in Israeli prisons,
24 Israeli courts.

25 And, in fact, we cite evidence later on,

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1 specific evidence, that the period of service in
2 the security forces included the years in which they
3 served prison sentences even prior to the emergence
4 of the Palestinian Authority.

5 Q. On page 21, you discussed the Zinni list.

6 A. Yes.

7 Q. You mention the Zinni list three times,
8 pages 21, 25, and 27; correct?

9 A. Yes.

10 Q. And the Zinni list was supposedly a list of
11 33 terrorists wanted by Israel that was given to the
12 Palestinian Authority; correct?

13 A. Yes. I would just like to explain, because
14 I believe that it's important to expand upon that a bit.

15 This, in general, refers to terrorists with
16 respect to whom Israel had requested their extradition
17 from the Palestinian Authority, encountered refusal,
18 and therefore an attempt was made to bring about their
19 extradition as a result of American involvement.

20 Q. Have you seen the list?

21 A. I did not see the list within the framework
22 of the preparations for the writing of this expert
23 opinion. I have a hard time stating with certainty,
24 but I assume that I certainly must have encountered
25 it during the course of my work in the security forces.

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1 Q. So as you sit here today, have you seen the
2 list?

3 MR. YALOWITZ: Wait a minute. Objection.
4 I'm not sure the witness is understanding the question.
5 I'm not going to say anything further.

6 MR. HILL: Why don't we have them translated.

7 MR. YALOWITZ: I want the prior question
8 and then this question, because I think it's the same
9 question.

10 (Record read as follows:

11 "QUESTION: So as you sit here today, have
12 you seen the list?")

13 THE WITNESS: I'm stating once more I don't
14 recall today that I have seen the list. However, on
15 the basis of a general assumption of my responsibilities
16 at that time, it would be reasonable to assume that,
17 at some point in time, it came under my radar or had
18 been brought to my attention.

19 Q. BY MR. SATIN: If I wanted to find out whether
20 or not, in fact, you had seen the Zinni list, could I
21 do that?

22 MR. YALOWITZ: I don't understand the
23 question.

24 THE WITNESS: I don't think that there's
25 any way, unless you wish to have me undergo some kind

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1 of hypnosis.

2 Q. BY MR. SATIN: Is there a record -- are there
3 Israeli records that show whether or not you saw the
4 Zinni list?

5 A. (In English.) No.

6 (Translated.) No, I wasn't such an important
7 guy that there was a record kept with respect to exactly
8 what I had seen or hadn't seen.

9 But, again, the fact that Zinni submitted
10 a list was known both in intelligence circles, and
11 I believe that it was also known outside intelligence
12 circles. If I recall, if I recall accurately, Arafat
13 was asked about that in interviews around the time of
14 the submitting of the list. I think that the fact that
15 the list was submitted was also published in the media.
16 However, I'm not convinced of that.

17 Q. Mr. Shrenzel, just please answer just the
18 question that I'm asking you.

19 A. (Translated.) I apologize that I have gone
20 back to my --

21 (In English.) Misbehavior.

22 OFFICIAL INTERPRETER NE'EMAN: "My
23 misbehavior." Yes.

24 Q. BY MR. SATIN: The report states that
25 Nasser Aweis was on the Zinni list; correct?

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1 A. Yes.

2 Q. But the report, though, does not include
3 any evidence that the author saw the Zinni list;
4 correct?

5 MR. YALOWITZ: I don't understand the
6 question.

7 THE WITNESS: Correct. The reliance is
8 on an official Israeli document that I assume that
9 you have seen in the material. And I certainly, as
10 an Israeli citizen, attribute absolute credibility
11 to that.

12 Q. BY MR. SATIN: You'd agree that the claim
13 in the report that Nasser Aweis was on the Zinni list
14 is based just on an Israeli government report, not
15 on the list itself?

16 A. When I wrote that, yes, I relied upon an
17 official Israeli document, and as well as on mentions
18 or references that I perhaps did not mention in the
19 references but that are familiar to me, for example,
20 interviews with Zinni himself, with various American
21 figures who were involved in the negotiations at that
22 time, as well as the fact that -- again, I'm not sure
23 that I mentioned it here specifically. But it's obvious
24 and it's well known that Arafat himself, as well as
25 other figures, admitted that they had received such

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1 a list, and they referred to that as fact.

2 Q. So we're clear, the claim in the report that
3 Nasser Aweis was on the Zinni list was based on just
4 one Israeli governmental document; correct?

5 A. Yes.

6 Q. The report states that Yasser Arafat admitted
7 receiving the Zinni list; correct?

8 A. Could you please direct me to the exact source
9 in which this is stated?

10 Q. On page 21, the top paragraph in the middle,
11 states:

12 "Yasser Arafat personally" --

13 A. I found it.

14 Q. For the record, it states:

15 "Yasser Arafat personally admitted receiving
16 that list."

17 Correct?

18 A. Uh-huh.

19 Q. You have to say "yes" or "no" for the record.

20 A. "Yes."

21 Q. But Arafat does not say "I received the list
22 and Nasser Aweis is on the list"; correct?

23 A. (Translated.) If I recall correctly, Arafat
24 did not explicitly mention the name of Nasser Aweis.
25 But I did not review -- I did not cover all of the

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1 statements that Arafat may have had with respect to
2 the list and all 38 of the names that appear on the
3 list.

4 (In English.) Thirty-three.

5 OFFICIAL INTERPRETER NE'EMAN: "Thirty-three."
6 Thank you.

7 Q. BY MR. SATIN: And you agree that the report
8 is not based on any statement Yasser Arafat ever made
9 that Nasser Aweis was on the Zinni list; correct?

10 A. Yes.

11 Q. You state on the bottom -- excuse me.

12 It states, on the bottom of page 23, referring
13 to Nasser Aweis:

14 "He was directly subordinate to Marwan
15 Barghouti, who was subordinate to Yasser Arafat,
16 president of the Palestinian Authority and chairman
17 of the PLO."

18 Correct?

19 A. Yes. That's what's written.

20 Q. And there is a footnote, footnote 62, after
21 that sentence; correct?

22 A. Yes.

23 Q. But what is written in footnote 62 does not
24 support this claim about Nasser Aweis' position in the
25 hierarchy; correct?

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1 A. (Translated.) In order to answer that
2 precisely, we have to return to the records of the
3 interrogation, the indictment, and the verdict.

4 (In English.) The verdict -- and especially
5 the verdict.

6 (Translated.) And particularly the verdict.

7 Q. Well, there is a quote in footnote 62 from
8 the case; correct?

9 A. (In English.) In the footnote itself or in
10 the --

11 Q. In the footnote itself.

12 A. (In English.) In the footnote itself, not
13 in the report. Okay.

14 "Following the outbreak" --

15 Okay.

16 (Translated.) Do you want to read it, or
17 do you want me to read it?

18 Q. You can read it to yourself.

19 A. (Examining.) Yes, I see what this refers to.
20 It refers to a statement by Aweis in his interrogation.

21 We note here that, afterwards, he retracted
22 his statement. But in spite of that, the court saw
23 fit to include it in the verdict of Marwan Barghouti.

24 Q. Mr. Shrenzel, that quote does not mention
25 Yasser Arafat or Marwan Barghouti; correct?

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1 A. In fact, that's true.

2 Q. Now, you state on page 27 --

3 A. (In English.) Twenty-seven, yes.

4 Q. -- that Nasser Aweis was a Fatah military
5 commander.

6 A. Could you refer me to the specific place?

7 Q. The fourth line down from the first paragraph.

8 A. (In English.) "Aweis was under the command"
9 This one?

10 Q. Before that.

11 A. (In English.) Before that. So --

12 (Translated.) Where does the paragraph that
13 you're referring to begin?

14 Q. So the sentence begins:

15 "This is reflected in his service as an
16 officer in the Palestinian security forces, both
17 before and after his imprisonment."

18 A. Okay. I found the paragraph. I'm going
19 to read it now. (Examining.) Yes.

20 Q. There is no support in the report for the
21 claim that Nasser Aweis was a Fatah military commander;
22 correct?

23 A. Again, please?

24 Q. There is no support -- there is no document
25 that's cited in support of the claim that Nasser Aweis

<p style="text-align: right;">Page 114</p> <p>1 was a Fatah military commander; correct?</p> <p>2 MR. YALOWITZ: Objection. Compound.</p> <p>3 THE WITNESS: No, no. There are explicitly</p> <p>4 stated in the indictment against him and in the verdict</p> <p>5 and in the ruling.</p> <p>6 (Brief exchange in Hebrew among Official</p> <p>7 Interpreter Ne'eman, Check Interpreter Avital,</p> <p>8 and the witness.)</p> <p>9 OFFICIAL INTERPRETER NE'EMAN: "In the</p> <p>10 sentencing and the verdict."</p> <p>11 THE WITNESS: (In English.) The verdict</p> <p>12 comes first. Then the --</p> <p>13 MR. YALOWITZ: Is everybody in agreement?</p> <p>14 OFFICIAL INTERPRETER NE'EMAN: Yes, I'm in</p> <p>15 agreement.</p> <p>16 MR. YALOWITZ: Thank you.</p> <p>17 Q. BY MR. SATIN: On the bottom of page 26 --</p> <p>18 A. And if you allow me to add, then Nasser</p> <p>19 Aweis himself would be extremely proud to declare</p> <p>20 his membership in that organization.</p> <p>21 Q. Mr. Shrenzel, have I asked you to speculate</p> <p>22 as to how Mr. Aweis would think about his supposed</p> <p>23 status in that organization?</p> <p>24 MR. YALOWITZ: Objection. Arguing with the</p> <p>25 witness.</p>	<p style="text-align: right;">Page 116</p> <p>1 as the U.S. requested, this terrorist attack (and</p> <p>2 many others) would have been prevented."</p> <p>3 A. That is, in fact, the case.</p> <p>4 Q. Now, Nasser Aweis was not the shooter in</p> <p>5 this case; correct?</p> <p>6 A. Indeed, that is the case.</p> <p>7 Q. Other people were involved in the planning</p> <p>8 and execution of the incident; correct?</p> <p>9 A. Indeed.</p> <p>10 Q. The report states that Ahmed Barghouti was</p> <p>11 responsible for the weapons and Ramadan's transportation</p> <p>12 to Jerusalem; correct?</p> <p>13 A. Indeed.</p> <p>14 Q. The reports states that Muhammad Musalah took</p> <p>15 care of logistics?</p> <p>16 A. Yes.</p> <p>17 Q. And Majid Al-Masri, according to the report,</p> <p>18 put Ramadan on his way; correct?</p> <p>19 A. Indeed.</p> <p>20 Q. So without Nasser Aweis, this incident still</p> <p>21 could have happened?</p> <p>22 A. (Translated.) You asked me to refrain from</p> <p>23 speculation. So perhaps, with all due respect, that's</p> <p>24 also a type of speculation, and I'm willing to explain,</p> <p>25 very briefly.</p>
<p style="text-align: right;">Page 115</p> <p>1 MR. SATIN: No, it's a question.</p> <p>2 Q. BY MR. SATIN: Have I asked you that question?</p> <p>3 A. I thought that that would contribute to the</p> <p>4 clarification of the issue at hand.</p> <p>5 Q. Mr. Shrenzel, understand, I'm not asking you</p> <p>6 to clarify issues. I'm asking you to just answer the</p> <p>7 questions asked of you.</p> <p>8 MR. YALOWITZ: Objection. Do we need to take</p> <p>9 a break? I don't want you arguing with the witness.</p> <p>10 Ask your questions.</p> <p>11 Q. BY MR. SATIN: Mr. Shrenzel, it says on</p> <p>12 page 26, the last sentence:</p> <p>13 "The PA has also portrayed and praised</p> <p>14 Nasser Aweis as a hero in broadcasts on Palestinian</p> <p>15 television."</p> <p>16 A. Yes.</p> <p>17 Q. Your report doesn't say what praise has been</p> <p>18 given; correct?</p> <p>19 A. Yes. I've noticed that problematic aspect,</p> <p>20 and I think that it will be possible, if necessary,</p> <p>21 to provide the concrete evidence of the television</p> <p>22 programs and the broadcasts.</p> <p>23 Q. Mr. Shrenzel, you conclude your discussion</p> <p>24 of Nasser Aweis by saying, quote, on page 27:</p> <p>25 "Also, had the PA arrested Nasser Aweis,</p>	<p style="text-align: right;">Page 117</p> <p>1 A terrorist attack of the type that have</p> <p>2 been depicted here is not perpetrated by a single</p> <p>3 person. There is an entire mechanism that aids and</p> <p>4 abets it. And certainly that statement -- there is</p> <p>5 no question that the arrest of every cell, each and</p> <p>6 every cell, has importance.</p> <p>7 (In English.) Or the element, or in this --</p> <p>8 (Translated.) Not "cell," but "component."</p> <p>9 Or for the purpose of the matter at hand, the arrest</p> <p>10 of each and every one of the people who are involved</p> <p>11 in the terrorist attack would contribute to the</p> <p>12 reduction or the mitigation of the ability to execute</p> <p>13 the attack.</p> <p>14 Certainly, had the Palestinian Authority</p> <p>15 upheld its commitments and arrested more and more,</p> <p>16 the likelihood that the terrorist attacks would not</p> <p>17 have taken place would have increased.</p> <p>18 Q. Let's talk about Ahmed Barghouti. You</p> <p>19 write on page 28:</p> <p>20 "Ahmed Barghouthi was the head of" the</p> <p>21 "Al-Aqsa Martyrs Brigades in the Ramallah District."</p> <p>22 (As read.)</p> <p>23 A. Yes. Please.</p> <p>24 Q. And there is a footnote 88 at the conclusion</p> <p>25 of the parenthetical statement; correct?</p>

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1 A. Yes.
 2 Q. I'm showing you what will be marked as --
 3 A. I'd like to have a few seconds to review
 4 the document again. (Examining.) Yes.
 5 Q. That document does not state that Ahmed
 6 Barghouti was head of the Al-Aqsa Martyrs Brigades;
 7 correct?
 8 A. Correct.
 9 Q. You don't know who filled out the prisoner
 10 file on that document; correct?
 11 A. Certainly not by name.
 12 Q. Well, you don't know which person, what role
 13 that person was in, who filled out that form; correct?
 14 A. That is, in fact, the case.
 15 I can hypothesize, engage in conjecture that
 16 this refers to a person or operative or somebody in
 17 the office in the Ministry of Prisoners. In Arabic,
 18 it's called the Ministry of Prisoners and Released
 19 Prisoners.
 20 Q. Let's discuss the Sokolow incident on
 21 January 27th, 2002.
 22 You write on page 38 -- excuse me. Strike
 23 that.
 24 It's written on page 38 --
 25 MR. YALOWITZ: I'm sorry. Bear with us.

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1 Why don't you direct the witness to a page, and then
 2 you can ask him questions about it.
 3 Q. BY MR. SATIN: Page 38.
 4 A. (In English.) Thirty-eight?
 5 Q. Yes, 38.
 6 MR. YALOWITZ: Thank you, Counsel.
 7 Q. BY MR. SATIN: The second paragraph states:
 8 "The suicide terrorist who detonated the
 9 explosive device on her person was Wafa Idris, who
 10 served as a confidential agent/informant for PA military
 11 intelligence and was a Fatah operative."
 12 That's what it states; correct?
 13 A. Yes.
 14 Q. And in that paragraph, in that statement,
 15 there's no document cited in support of those claims;
 16 correct?
 17 A. Which part of this statement are you claiming
 18 has no reference?
 19 Q. The part that I just read, about Wafa Idris
 20 allegedly being a confidential agent/informant for PA
 21 military intelligence and being a PA operative?
 22 A. Yes, but it would be worthwhile to look at
 23 her complete profile, which appears later on.
 24 Q. Okay. Well, let's go to that. On page 39,
 25 the next page, you write just below No. 1:

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1 "Thus, for example, Wafa Idris was a Fatah
 2 operative who had participated in stone throwing in
 3 Ramallah, in addition to which she served as a courier
 4 for Fatah, smuggling flyers and ammunition through
 5 Israel Defense Force checkpoints in the Jerusalem area."
 6 Correct?
 7 A. Yes.
 8 Q. Now, where it says that Wafa Idris was a
 9 Fatah operative, there's no footnote there; correct?
 10 A. But if you look at further information, as
 11 well as this very information, you see that Munzir Noor,
 12 who was, as we know, the person who prepared her or
 13 readied her for this terrorist attack, testified about
 14 this clearly. And this was confirmed, upheld by the
 15 court.
 16 Q. Mr. Shrenzel, my only question now -- and
 17 we will get to the statements of Munzir Noor in a
 18 minute.
 19 My only question now is where it says that
 20 Wafa Idris was a Fatah operative, there is no footnote
 21 there; correct?
 22 A. (In English.) I don't know where --
 23 (Translated.) We need to return to footnote
 24 155 and see what exactly Munzir Noor stated. Because
 25 he, among other people, has certainly confirmed that

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1 she was a Fatah operative. I don't, of course, remember
 2 all of the content of his testimony by heart.
 3 Q. Okay. I haven't yet asked you about his
 4 testimony, but I will do that now. I'm showing you
 5 what will be marked as Defense Exhibit 432.
 6 OFFICIAL INTERPRETER NE'EMAN: Could we take
 7 a short break before we do that, or is this not a good
 8 time for a break?
 9 MR. SATIN: Sure. We can take a break.
 10 (Recess from 3:25 p.m. to 3:45 p.m.)
 11 (Defendants' Exhibit 431 marked.)
 12 Q. BY MR. SATIN: Mr. Shrenzel, we were
 13 discussing Munzir Noor's statements right before we
 14 left for a break; right?
 15 A. Yes.
 16 Q. Mr. Noor had been taken into custody when
 17 he spoke to the GSS; correct?
 18 A. (In English.) Probably.
 19 (Translated.) It's certainly reasonable.
 20 Q. You worked at the GSS; correct?
 21 A. Indeed.
 22 Q. And you know, when people get interrogated,
 23 that takes place in the custody of the GSS; correct?
 24 MR. YALOWITZ: Objection. Object to the form.
 25 (Comment in Hebrew by the witness.)

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(Brief exchange in Hebrew between Official Interpreter Ne'eman and the witness.)

THE WITNESS: They are under arrest.

Q. BY MR. SATIN: And after someone is under arrest, the GSS interrogates the individual; correct?

MR. YALOWITZ: Objection.

THE WITNESS: Not always. But in most cases, yes.

Q. BY MR. SATIN: And you've been present for those interrogations?

A. No.

Q. Do you know what happens during those interrogations?

A. No. Not on a detailed basis. I have not engaged in interrogations.

Q. But at some point after a person is interrogated, the police take a statement from that individual; correct?

A. I really have no in-depth proficiency in the legal procedure. But I believe that your statements are accurate ones.

Q. According to the report, there were statements made by Munzir Noor to the police; correct?

A. Indeed.

Q. Statements made in the custody of the police?

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A. Yes.

Q. And Munzir Noor gave three different statements; correct?

A. I actually have not examined the issues in depth. If you indicate specific points, I will try to address them.

Q. Well, the report makes reference to a statement made under police interrogation dated May 13th, 2002; correct?

A. On what page, please?

Q. So, for example, on page 43, footnote 177.

A. Yes.

Q. And if you look to the previous page, there is reference made the statement of Munzir Noor, dated April 25th, 2002.

A. What is the number of the footnote, please?

Q. 165.

A. (In English.) So this is page --

Q. Forty-one.

A. (In English.) Page 41, footnote 165?

Q. Do you see that?

A. Yes.

Q. And then there is another statement that's referenced in footnote 176 on page 42.

A. Yes.

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Q. April 23rd, 2002.

A. Yes.

Q. So we have all together April 23rd, 2002, April 25th, 2002, and May 13th, 2002?

A. That is indeed the case.

Q. Now, your report focuses -- the report that has your name on it, I should say, focuses on the statements of April 25th and May 13th; correct?

A. (In English.) Again, please.

(Translated.) Again, please. I wasn't able to follow you.

Q. The report focuses on the statements on April 25th and May 13th; correct?

A. Those are the most-often cited.

Q. The April 23rd statement is only cited one time in footnote 176; correct?

A. Indeed.

MR. YALOWITZ: Objection. Misstates the record.

You shouldn't agree with him if it's wrong. Continue.

Q. BY MR. SATIN: Footnote 176, the statement April 23rd, 2002, that footnote is used to modify the statement, quote:

"Until his arrest, he worked as a medic with

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the Palestine Red Crescent Association."

A. Yes. But I see that the same testimony is also mentioned in footnote 175.

Q. Now, in the report, it does not state that in the April 23rd, 2002, statement, Munzir Noor denied his involvement in this incident; correct?

A. The truth is that you're confusing me with the different versions. And for this purpose, in order for me to address them, I must see the documents in their full form.

(Defendants' Exhibit 432 marked.)

Q. BY MR. SATIN: I'm showing you, Mr. Shrenzel, what's been marked as Defense 432.

A. This is -- appears in handwriting which is very dense and crowded in Hebrew. Even if the handwriting was good handwriting, in order to read through it thoroughly, it would take quite a few moments. Certainly, in the current state of affairs -- tell me what you're asking me to do, and I'll try and do it.

Q. First, Mr. Shrenzel, this Defense 432 is the April 23rd, 2002, statement of Munzir Noor; correct?

A. Yes.

Q. Did you read this document during the two-week period prior to the submission of the report?

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1 A. Not in a full format. I definitely relied
2 on the conclusions that were drawn by Arie Spitz and
3 Noam Meridor, whom I have already praised previously.

4 Q. Would you agree, Mr. Shrenzel, that this
5 document shows that Munzir Noor denied his involvement
6 in this suicide attack?

7 A. In order for me to reach such a conclusion,
8 I would have to read through this again. And if
9 necessary, if there is any misunderstanding in a
10 critical place, we would have to contact the policeman
11 who wrote the report, or at least to go back to the
12 members of the team and find out why they understood
13 what they understood.

14 But are you indicating some sort of a factual
15 error in the report in this context?

16 Q. Do you know what this document says?

17 A. This document is part of the entire set of
18 police statements that deal with the involvement of
19 Munzir Noor in this terrorist attack.

20 (Examining.) Just a moment.

21 It's important to emphasize that the fact
22 that -- the fact that there are several different
23 testimonies and sometimes there are contradictions or
24 inconsistencies among them, is a well-known phenomenon.
25 I assume that that's true with respect to trials

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1 in general and people who are interrogated or are
2 defendants. Ultimately, all of that is presented
3 to the court, and the court decides which version
4 to believe.

5 Q. Mr. Shrenzel, I'm showing you what's about
6 to be marked as Defense Exhibit 433.

7 MR. YALOWITZ: Counsel, would you like
8 Mr. Shrenzel to read the Exhibit 432, or are you
9 finished with that exhibit?

10 MR. SATIN: We're done with it.

11 (Defendants' Exhibit 433 marked.)

12 Q. BY MR. SATIN: Mr. Shrenzel, I'm showing
13 you what's been marked as Exhibit 433.

14 A. (Examining.) Yes.

15 Q. Have you seen this document before?

16 A. Certainly. During the course of the
17 preparation of my expert opinion.

18 Q. Did you receive information from the team
19 about this document?

20 A. Yes. But this document, because of its
21 importance, I read it with a great deal of attention.

22 Q. This document is the basis for the author of
23 the report's belief that the PA's General Intelligence
24 Service was involved in the bombing and the attempted
25 cover-up of some sort; correct?

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1 A. I don't know whether that's the only source
2 that proves this. I would have to go back and check
3 that again in the text. But this document certainly
4 has weight.

5 Q. On page 38 --

6 A. (In English.) Thirty-eight?

7 Q. -- the last sentence in the first paragraph
8 reads:

9 "The PA's General Intelligence Service was
10 also involved in the bombing and an attempted cover-up."

11 That's what it says; correct?

12 A. Yes.

13 Q. And there is a footnote 150; correct?

14 A. Yes.

15 Q. And 150 references Defense Exhibit 433;
16 correct?

17 A. Correct.

18 Q. Now, Defense Exhibit 150 is a typewritten
19 document; correct?

20 I'm sorry.

21 Defense Exhibit 433 is, in part, a typewritten
22 document; correct?

23 A. Yes.

24 Q. And there is handwriting along the edges;
25 correct?

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1 A. Yes.

2 Q. The name on the bottom of the typewritten
3 portion is Amaniya Ayadea (phonetic); correct?

4 A. Correct.

5 Q. Did you speak to that individual?

6 A. Never.

7 Q. Has your team told you that one member of
8 the team has spoken to this individual?

9 A. No.

10 Q. At the very top of the document is some
11 handwritten notes; correct?

12 A. Yes.

13 Q. Do you know who wrote those handwritten notes?

14 A. No. I wish to explain. Our attention was
15 primarily drawn to the typed text. The deciphering
16 of this handwriting -- in spite of the fact that we
17 invested a great deal of effort in it, the deciphering
18 of it is not certain and it's very difficult. For me,
19 and perhaps to a lesser degree, but also for the team
20 that I mentioned.

21 Q. So the opinion of the team, as far as you
22 know, is based on the typewritten portion; correct?

23 MR. YALOWITZ: Objection.

24 THE WITNESS: (In English.) The team and me.

25 MR. YALOWITZ: I don't understand the

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1 question.

2 THE WITNESS: (In English.) Yes.

3 (Translated.) This refers primarily to the
4 typewritten portion. We were able to decipher some
5 of what's written in handwriting, but we were not able
6 to achieve full deciphering. And what we were able to
7 obtain or what we were able to do did not change our
8 understanding of the document.

9 Q. BY MR. SATIN: The typewritten part includes
10 written information about Wafa Idris; correct?

11 A. Correct.

12 Q. The information about Wafa Idris that's
13 included in the typewritten portion of the document
14 does not state the source of that information; correct?

15 A. (In English.) Not exactly.

16 (Translated.) Not exactly. Because towards
17 the end, it refers to -- it says specifically that
18 Wafa's family emphasized this and that. And I can
19 translate, if you wish: That the last time she left
20 the house, there was no indication on her -- she did
21 not display any indication that she had no intention
22 of returning, and the only thing that she said was
23 that she was going to take a drive to Nablus and that
24 she might be late.

25 The general impression from other parts of

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1 the document and from the content of the document is
2 based on the family members of Wafa Idris.

3 Q. The information in that memo about Wafa
4 Idris and her family, you don't know who provided that
5 information to the person who wrote this memo; correct?

6 A. I just said that, in the last paragraph,
7 it explicitly states that the family emphasized. To
8 whom exactly the family had stated that -- but the
9 information reached the person who wrote this.

10 Q. The first paragraph, the memo, the document,
11 does not state who provided the information contained
12 in that first paragraph; correct?

13 A. I'm going to check that now. (Examining.)

14 Yes, there's no mention of the specific
15 source of the information.

16 Q. Let's discuss the March 23rd, 2002, incident.
17 If you'd turn to page 50.

18 A. (In English.) Fifty. Okay.

19 Q. And on to page 51, there's discussion of
20 Abd-el Karim Aweis; correct?

21 A. (In English.) Fifty-one, only in the --

22 (Translated.) Only on the top portion of
23 the page, yes?

24 Q. And in that section, that top portion,
25 there is again a discussion of the Zinni list; correct?

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1 A. Indeed.

2 Q. And you have not seen the Zinni list in
3 relation to -- well, you have not seen any -- this
4 is the same Zinni list that we discussed earlier;
5 is that correct?

6 A. Definitely. Definitely.

7 Q. On the previous page, under the section
8 where it says, "Public Praise," it states on page 50:

9 "PA television has broadcast programs praising
10 Abd-el Karim Aweis and presenting him as a hero."

11 That's what it says; correct?

12 A. Yes.

13 Q. And the report does not provide any evidence
14 to support that claim; correct?

15 A. Yes. As I have noted, that is really
16 something that is missing that we can provide. We
17 certainly have many items in support of that statement.

18 Q. Nasser Shalish was expelled from the general
19 security apparatus in 1997; correct?

20 A. Indeed, yes.

21 Q. I'm going to show you what's going to be
22 marked as Defense Exhibit 434.

23 (Defendants' Exhibit 434 marked.)

24 Q. BY MR. SATIN: Defense Exhibit 434 is a
25 court record in the case of Abd-el Karim Aweis; is

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1 that correct?

2 A. (In English.) This is his sentencing.

3 (Translated.) This is his sentencing.

4 Q. And this is a document written by the court;
5 correct?

6 A. Certainly. This is the sentencing of the
7 court.

8 Q. And I'd direct your attention to page 3.

9 A. (In English.) Page 3. Okay.

10 (Translated.) Where, please?

11 Q. The last full paragraph on page 3.

12 A. May I please read through it for several
13 seconds?

14 Q. Sure.

15 A. (Examining.)

16 Q. Would you please read the first sentence
17 in that last paragraph.

18 A. Yes, please.

19 Q. I'm asking you to read it. I don't read
20 Hebrew.

21 A. (In English.) Aah, okay. I read it to
22 myself. You want me to read it --

23 Q. Please read it out loud. I'm sorry for
24 not being clear.

25 A. (In English.) I'm not sure that --

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1 (Reading/translated.)

2 "I'm not certain that the American Colony
3 will allow me to open a Hebrew school here. You know
4 they're a little" --

5 OFFICIAL INTERPRETER NE'EMAN: I'm sorry.

6 MR. SATIN: What did he say?

7 OFFICIAL INTERPRETER NE'EMAN: He said:

8 "You know they're a little pro-Palestinian here."

9 THE WITNESS: (In English.) Okay.

10 (The relevant text was read aloud in Hebrew
11 by the witness.)

12 OFFICIAL INTERPRETER NE'EMAN: Should I
13 translate it?

14 MR. SATIN: Please.

15 OFFICIAL INTERPRETER NE'EMAN:

16 (Reading/translating.)

17 "After the death of the brother of the
18 defendant, his friend Nasser Shalish contacted him
19 and told him that he has a person who is willing to
20 perpetrate a suicide terrorist attack in revenge, in
21 order to avenge his brother's death. However, that
22 person is detained in the Mukataa complex in Ramallah."

23 MR. SATIN: Thank you.

24 OFFICIAL INTERPRETER NE'EMAN: He also read
25 a second sentence. Do you want me to translate that?

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1 MR. SATIN: No, it was just the first sentence
2 that I asked him to read.

3 MR. YALOWITZ: Wait a minute. We need to
4 have a complete record. Even though he didn't follow
5 your instructions, I want the record to reflect what
6 happened.

7 MR. SATIN: That's not proper.

8 MR. YALOWITZ: That's not proper for the
9 record to reflect what happened?

10 MR. HILL: Well, just so the record is clear,
11 Rina, are you saying that you did not translate
12 everything that the witness said?

13 OFFICIAL INTERPRETER NE'EMAN: I'm saying
14 that the witness translated [sic] two sentences, and
15 you had asked him to translate one sentence.

16 MR. HILL: Then you should put on the record
17 what the witness did that wasn't responsive.

18 OFFICIAL INTERPRETER NE'EMAN: Okay. The
19 second sentence says that the defendant saw to the
20 release of that person, saw to or took care of the
21 release of that person.

22 Q. BY MR. SATIN: What you just read from the
23 court record of Abd-el Karim Aweis, that was not put
24 in the report; correct?

25 A. I think that in general terms, overall terms,

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1 it was.

2 Q. Where does the report state that the -- where
3 in the report does it state that the incident was done
4 as a revenge for the death of Abd-el Karim Aweis'
5 brother?

6 A. Oh, okay. Not necessarily every detail,
7 but the very relationship between the defendant and
8 his friend. And -- and the important thing from
9 our perspective was that the suicide bomber had been
10 arrested and people saw to it that he would be released.
11 Those things certainly appear.

12 Q. Abd-el Karim Aweis' brother was killed by
13 the IDF; correct?

14 A. I did not express an opinion with respect
15 to the exact circumstances of his death. I assume that,
16 if that's the information that's in your possession,
17 that we can accept that, at least as a working premise.

18 Q. So what you're saying now is you don't know
19 one way or the other whether his brother was killed by
20 the IDF? Is that what you're saying?

21 A. I assume that, if I'm being presented with the
22 claim that this incident started to take form subsequent
23 to the death of his brother, I'm assuming that we're not
24 referring here to death from an illness. But I don't
25 know, and I did not examine the specific circumstances

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1 of his death.

2 Q. Hashaika also had relatives killed by the IDF?

3 A. Could you show me the reference for that
4 determination?

5 Q. I'm asking you a question, Hashaika -- if you
6 know the answer -- had been killed by the IDF?

7 A. (In English.) Hashaika himself? No. Or you
8 mean --

9 Q. No, his relatives. I'm sorry.

10 A. (In English.) Okay.

11 Q. Let me start again.

12 Hashaika was the suicide attacker in this
13 case; correct?

14 A. Correct.

15 Q. Hashaika's relatives were killed by the IDF;
16 correct?

17 A. I don't know about that at this moment.

18 Did you find that that had been noted in
19 the report?

20 Q. The way this works is the law requires me
21 to ask the questions and for you to answer them.

22 A. I certainly respect that.

23 Q. Do you know that Hashaika had cousins that
24 were killed by the IDF as well?

25 A. I don't know about that.

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1 Q. Let's talk about the incident on June 19th,
2 2002, beginning on page 56.

3 The report states that Naef Abu Sharh was
4 responsible for this incident; correct?

5 A. Indeed.

6 Q. Abu Sharh was never convicted in connection
7 with this incident; correct?

8 A. That's correct. He was not apprehended.
9 And as it is noted in the report, he was killed by
10 IDF forces two years after the terrorist attack.

11 Q. Right. And the basis for the belief that
12 Naef Abu Sharh was involved in this incident comes
13 from a report in the Israeli Ministry of Foreign
14 Affairs; correct?

15 A. I must look at that again, take a look at
16 that.

17 Q. You're welcome to look wherever you like.
18 But I'd direct your attention to the second paragraph
19 on page 57.

20 A. Yes, I found that. And I thank you for your
21 assistance.

22 (Defendants' Exhibit 435 marked.)

23 Q. BY MR. SATIN: I want to show you what we've
24 marked as Defense Exhibit 435.

25 Showing you what's been marked as Defense

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1 Exhibit 435, Defense Exhibit 435 is a document
2 purporting to be from the Israel Ministry of Foreign
3 Affairs; correct?

4 A. Indeed.

5 Q. And this report is about the confiscation
6 of money; correct?

7 A. That's what it states in the heading. Yes.

8 Q. I direct your attention to page 4 of this
9 document.

10 MR. YALOWITZ: Counsel, you mean the fourth
11 unnumbered page?

12 MR. SATIN: That is correct.

13 THE WITNESS: Yes.

14 Q. BY MR. SATIN: And it says in the middle
15 of the fourth page:

16 "Personal bank accounts from which funds
17 were confiscated during the operation:"

18 "An account in the name of Naef Abu Sharh,
19 a senior fugitive of the Tanzim infrastructure in
20 Nablus who was behind the following terrorist acts:"

21 Bullet point:

22 "The" June 19, "2002, suicide bombing of
23 a crowded bus stop and hitchhiking post at the French
24 Hill intersection in northern Jerusalem, in which
25 seven people were murdered and over 35 were wounded."

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1 (As read.)

2 A. Yes.

3 Q. That's what it says; correct?

4 And the information on this document is what
5 forms the basis for the report's claim that Abu Sharh
6 was involved in the June 19, 2002, incident; correct?

7 A. Yes.

8 Q. No other information?

9 A. In the report itself. In the report itself.

10 I am reiterating that it's likely that it
11 would be appropriate to go into more depth with respect
12 to the examination of the issue of the liability of
13 Naef Abu Sharh for the terrorist attack. However, of
14 course, such a statement in an official document of
15 the State -- of the State of Israel is perceived by
16 me to be credible. And I'm not aware that, subsequent
17 to the publication of this document, a Palestinian
18 claim or argument was raised that contradicts this
19 determination.

20 Q. Have you examined the intelligence data that
21 formed the basis of the information in this report by
22 the Israeli Ministry of Foreign Affairs?

23 A. No. No, because I've already stated that,
24 for the purposes of the presentation of this expert
25 opinion, no use has been made of intelligence material.

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1 Q. Are you saying that you have intelligence
2 material related to Naef Abu Sharh and the June 19,
3 2002, incident?

4 A. I personally have no such information in
5 my possession. But based on my familiarity with the
6 work methods of the Foreign Ministry with respect to
7 publications of this type, I am convinced that they
8 would not have published this information if they had
9 any substantive doubt with respect to its credibility.

10 Q. Do you know who provided the information that
11 forms the basis of the report about Naef Abu Sharh?

12 A. (In English.) This?

13 (Translated.) Are you referring to this
14 paragraph that you just read?

15 Q. Yes.

16 A. Again, without going into details of our
17 work methods of government ministries that I am not
18 proficient in, I can assume, with no certainty, that
19 information of this type was received by the Foreign
20 Ministry from the Army, from the police, from the ISA.
21 But, of course, with respect to the specific case, I
22 don't know where the information came from.

23 Q. So your opinion about --

24 MR. YALOWITZ: I'm sorry. Can I just have
25 the answer back? I apologize.

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1 (Last answer read.)

2 MR. YALOWITZ: "With no certainty"?

3 OFFICIAL INTERPRETER NE'EMAN: "Without
4 any certainty." He said: "I can assume without
5 any certainty." That is, in fact, what he said.

6 THE WITNESS: Because it's possible that
7 there were other sources of information that were not
8 brought to our attention at the time of the preparation
9 of the report.

10 MR. SATIN: Why don't we take a break.

11 (Recess from 4:31 p.m. to 4:45 p.m.)

12 MR. HILL: We're back on the record after
13 a break. Right after the break commenced, there was
14 a conversation between Mr. Yalowitz and the witness,
15 in the presence of defense counsel, about the meaning
16 of the prior question and answer that had occurred
17 on the record.

18 I just want to note our standing objection
19 to substantive communications with the witness while
20 under oath, even on a break. As I understand it,
21 it's not permitted by the local court rules.

22 And I would, again, request plaintiffs'
23 counsel not have conversations with the witnesses
24 about their substantive testimony during a break.
25 I don't think it's proper. It certainly wouldn't

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1 be proper if we were at trial. And under the rules,
2 the deposition is supposed to be conducted as if at
3 trial.

4 I'll assume Mr. Yalowitz will now want to
5 say something, and I'll let him say what he wants to
6 say.

7 MR. YALOWITZ: Just please don't assume, by
8 my silence, that I agree with anything you just said.

9 Q. BY MR. SATIN: Mr. Shrenzel --

10 A. What about my request?

11 Q. Say what you want to say.

12 A. I asked if it's possible to read or have read
13 the last sentence that I stated or perhaps the last two
14 sentences. And, parenthetically, I promise that, during
15 the course of the break, I did not have any conversation
16 in this respect with my counsel.

17 MR. SATIN: Sure.

18 (Record read as follows:

19 "ANSWER: Again, without going into details
20 of our work methods of government ministries
21 that I am not proficient in, I can assume, with
22 no certainty, that information of this type was
23 received by the Foreign Ministry from the Army,
24 from the police, from the ISA. But, of course,
25 with respect to the specific case, I don't know

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1 where the information came from.")

2 THE WITNESS: Okay. So I would like to
3 clarify that I cannot indicate the specific source
4 of the information that served the Ministry of Foreign
5 Affairs. But I'm certain that it came from a source
6 that's considered to be credible, such as the Army,
7 the police, the ISA. Thank you.

8 Q. BY MR. SATIN: Mr. Shrenzel, I want to direct
9 your attention to page 57.

10 A. (In English.) Fifty-seven. Okay.

11 Q. On page 57 of the report, there is a claim
12 that there had been financial assistance for the
13 perpetrators of this attack by Arafat personally;
14 correct? Top of page 57.

15 A. Definitely. And this is of great importance.

16 Q. The report cites a passage from a book;
17 correct?

18 A. Indeed.

19 Q. The book is "Tested by Zion, The Bush
20 Administration and the Israeli-Palestinian Conflict";
21 correct?

22 A. Indeed.

23 Q. It was written by Elliot Abrams; correct?

24 A. Indeed.

25 Q. A member of the Bush administration?

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1 A. Correct.

2 Q. And the passage that you cite from the book
3 references intelligence; correct?

4 A. (In English.) I didn't follow the question.

5 Q. The passage in the report that comes from
6 the book makes mention of intelligence; correct?

7 A. (In English.) Aah, "makes mention of
8 intelligence." Yes.

9 (Translated.) Yes.

10 Q. Specifically the line is:

11 "There is new intelligence showing that
12 Arafat had approved the payment of \$20,000 to the
13 group."

14 Correct?

15 A. Indeed.

16 Q. Is this Israeli intelligence or United
17 States intelligence?

18 A. It's hard for me to determine that with
19 certainty. I assume that both of those things are true.
20 I think that they could be true.

21 According to Abrams' wording, it seems to
22 me that this refers to Israeli information that the
23 Americans were able to verify. But that's just my
24 assessment. I'll go the way Mr. Abrams went, insofar
25 as he did not cite the specific intelligence reports.

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1 Q. Have you seen the intelligence?

2 A. I don't recall with certainty. But the
3 intelligence, if I didn't see it, it's possible that
4 it was brought to my attention or that I was aware
5 of it.

6 Q. So as you sit here today, you can't say one
7 way or the other whether you did see the intelligence?
8 (Comment in Hebrew by the witness.)

9 MR. YALOWITZ: It's too much. You have to
10 let her translate.

11 THE WITNESS: I could definitely say that
12 I was aware of it. I can't say that I saw one item
13 or three items. But I can definitely say that I was
14 aware, that I was aware of the fact during this period
15 of time that information of this sort existed.

16 Q. BY MR. SATIN: I'm going to show you what's
17 been marked as --

18 A. I'm even willing to say that, at that period,
19 during that period of time, I was on a mission abroad
20 and it's possible that I didn't see the information
21 itself. However, I certainly have knowledge of the
22 fact that such firm information did exist. And you
23 are certain -- you are certainly aware that that
24 information had a great deal to do with the decision
25 that was made by President Bush to disassociate

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1 himself from Arafat.

2 Q. So you don't know the source of the
3 intelligence, then; correct?

4 A. I don't know the exact source.

5 Q. I'm going to show you what will be marked
6 as Defense Exhibit 436.

7 (Defendants' Exhibit 436 marked.)

8 Q. BY MR. SATIN: I'm showing you what's been
9 marked as Defense Exhibit 436.

10 Defense 436 is the page from Abrams' book
11 that is cited in the report; correct?

12 A. Indeed.

13 Q. Did you read the entire book?

14 A. No.

15 Q. Have you read this page before?

16 A. Definitely.

17 Q. Who showed you just this page?

18 A. This page -- the team that was preparing it
19 had the page. But certainly, due to its importance,
20 I definitely read the entire relevant section.

21 Q. Okay. And according to the page in the book,
22 page 41, it states:

23 "New intelligence was received showing that
24 Arafat had authorized a \$20,000 payment to the group."
25 Correct?

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1 A. (In English.) I'm lost a little bit. It's
2 quite dense, and my eyes -- you found it?

3 Q. It's in the first full paragraph about midway
4 through.

5 MR. YALOWITZ: With your permission, I can
6 direct the witness?

7 MR. SATIN: Sure.

8 THE WITNESS: (In English.) See, if I
9 wear the glasses. Without the glasses, it would be
10 difficult.

11 MR. YALOWITZ: Which sentence is it?

12 MR. SATIN: "Days later."

13 THE WITNESS: (In English.) Okay, "days
14 later." Okay.

15 Q. BY MR. SATIN: It doesn't say when the money
16 was given to the group; correct?

17 A. (In English.) In this paragraph of -- yes.

18 (Translated.) No, it doesn't explicitly
19 state here when the money was given.

20 Q. It doesn't say in the book what the money
21 was given to the group for; correct?

22 A. Indeed, it does not explicitly state that.

23 Q. And it doesn't say in the book that the money
24 was connected to this June 19, 2002, attack; correct?

25 A. (In English.) In the book, no.

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1 (Translated.) In the book, no. In the
2 paragraph that I just read, it doesn't state any
3 of that explicitly, in the sense that Abrams did
4 not wish to expose all of the intelligence sources.
5 But I think that it's definitely possible to rely
6 upon his understanding in that he connected the
7 terrorist attack with the transfer of the funds.

8 The issue is too important and too sensitive
9 to suspect that the link between the two things was
10 not clear to the decision makers at the White House.

11 Q. The book itself is not classified; correct?

12 A. Indeed.

13 Q. I can read that book?

14 A. (In English.) Of course.

15 Q. Not just that page. I can even read the
16 whole book; right?

17 A. (In English.) From cover to cover, yes.

18 (Translated.) By the way, that's very much
19 recommended, because there are a great many sections,
20 apart from the sections that were cited here, that will
21 address the omissions and the actions of the Palestinian
22 Authority --

23 Q. But you didn't read the whole book; right?

24 A. (Translated.) -- and the weakness of the
25 Palestinian Authority.

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1 (In English.) But as I said, I just --
 2 I looked at parts of it. For example --
 3 (Comment in Hebrew by the witness.)
 4 Q. BY MR. SATIN: I just asked you if you read
 5 the whole book.
 6 A. (In English.) The whole book? No.
 7 MR. YALOWITZ: Please don't interrupt the
 8 witness. Please.
 9 MR. SATIN: Please ask your witness, then,
 10 to answer my questions.
 11 THE WITNESS: (In English.) Okay.
 12 MR. YALOWITZ: You know what? Let's take
 13 a break. We're not going to bicker, and we're not
 14 going to badger the witness. And we shouldn't
 15 interrupt the witness.
 16 Do we need a break?
 17 MR. SATIN: No. Do you need a break?
 18 MR. YALOWITZ: Please continue, Mr. Shrenzel.
 19 THE WITNESS: What I'm saying is that I
 20 did not, in fact, read the book in its entirety. But
 21 I took a look at another few sections that dealt with
 22 the conduct of the Palestinian Authority, for example,
 23 everything that pertained to the Zinni list, with
 24 respect to which, for example -- just very briefly,
 25 for example, how Arafat would deny responsibility to

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1 Zinni for terrorist attacks and negative activities.
 2 Whereas, later on, and sometimes even that very same
 3 day, the responsibility of the Palestinians became
 4 evident.
 5 MR. YALOWITZ: May I make a request of the
 6 witness?
 7 MR. SATIN: No. I want to ask my next
 8 question.
 9 MR. YALOWITZ: Go ahead. Ask your question.
 10 Q. BY MR. SATIN: So now you've just repeated
 11 other parts of the book that I can read; correct?
 12 A. It's just a recommendation.
 13 Q. Thank you.
 14 Now I want to ask you about the January 29,
 15 2004, incident. You state on page 70 --
 16 A. (In English.) Page 70. Okay. One minute.
 17 Q. Under the section entitled "Additional
 18 Criminal and Hostile Activity - Background," it states:
 19 "Prior to being hired as a PA police officer,
 20 Hilmi Hamash was convicted and jailed repeatedly for
 21 throwing stones at Israelis on scores of occasions."
 22 Correct?
 23 A. Yes.
 24 Q. And you later state on page 73:
 25 "The Palestinian police took Hamash into

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1 its ranks, although it knew of his violent past, both
 2 in the terror sphere and in the criminal sphere."
 3 See that?
 4 A. Indeed.
 5 Q. Is this referring to Hilmi Hamash's being
 6 jailed for throwing stones at Israelis?
 7 A. It's certainly possible that I did not
 8 attribute such decisive importance to the nature of
 9 the offenses, but in principle.
 10 Q. Would you agree that there are no alleged
 11 crimes attributed to Hilmi Hamash in the report other
 12 than the throwing of stones and the driving of an
 13 unlicensed and uninsured vehicle?
 14 A. Yes. I wish to explain.
 15 The fact that a person sat in Israeli prison
 16 several times, based on my understanding, required that
 17 the Palestinian Authority engage in a greater prudence
 18 prior to employing him. For example, sitting in
 19 prison could amplify the feelings of revenge, strong
 20 anti-Israeli indoctrination that frequently occurs
 21 in prison. Therefore, the very fact that he had sat
 22 in prison should have, at the very least, raised a
 23 yellow light of caution.
 24 Although I certainly agree that the throwing
 25 of stones, although it is sometimes fatal, is, of

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1 course, a less serious offense than murder, shooting,
 2 et cetera.
 3 Q. Now, Mr. Shrenzel, you'd agree that the vast
 4 majority of Palestinians were not involved in terror
 5 acts during the Second Intifada; correct?
 6 A. How do you define "involvement"?
 7 Q. Well, would you agree that the vast majority
 8 of Palestinians did not commit crimes against the State
 9 of Israel during the Second Intifada?
 10 A. Yes, statistically, that's correct, of course.
 11 We're talking about children. We're talking about
 12 women.
 13 But it would be worthwhile to emphasize
 14 that, when we're analyzing the big picture, a
 15 not-inconsiderable portion -- perhaps it's not a
 16 majority, but a not-inconsiderable portion of male
 17 Palestinians of appropriate ages were, in fact,
 18 involved in activity, some activity of some kind.
 19 Q. As part of your work in this case, did you
 20 speak to the families of the alleged perpetrators?
 21 A. (In English.) The perpetrators?
 22 (Brief exchange in Hebrew between Official
 23 Interpreter Ne'eman and the witness.)
 24 THE WITNESS: No.
 25 Q. BY MR. SATIN: Did you speak to the friends

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1 of the alleged perpetrators?

2 A. No.

3 Q. You can't say that the alleged perpetrators
4 committed their alleged crimes in order to receive
5 martyrs payments; correct?

6 A. Are you referring to those who died, were
7 killed during the course of their activity?

8 Q. Correct.

9 A. They certainly didn't do so in order for
10 the families to receive the money. Their motivation
11 was, first and foremost, hatred, terror.

12 Sometimes we certainly have testimony that
13 the fact that they knew that if they, in fact, would
14 be killed, their family would receive both money and
15 status, let's say that it contributed to the fact that
16 they were willing to go wholeheartedly to perpetrate
17 the attacks.

18 Q. You don't have any evidence that the alleged
19 suicide attackers in these cases did it for the purpose
20 of getting martyrs payments to their families; correct?

21 A. No, and it's certainly not logical.

22 Q. And you can't say that any of the alleged
23 accomplices in these incidents did it in order to get
24 prison payments; correct?

25 A. No. But, again, that's the kind of thing

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1 that we can add as a contributory factor. When a
2 person knows that, if he sits in Israeli prisons,
3 there will be people who will take care of his family
4 and there will be people who will employ every effort,
5 including terrorist activity, in order to obtain his
6 release --

7 Q. The report --

8 A. -- those facts are an element that aids
9 and abets. It's not the direct cause.

10 Q. The report, you'd agree, does not present
11 any evidence that the alleged accomplices in these
12 cases did it in order to receive prison payments;
13 correct?

14 A. No, and I certainly don't maintain so.
15 That was not their primary objective.

16 MR. SATIN: Okay. Why don't we take a
17 break now.

18 (Recess from 5:12 p.m. to 5:19 p.m.)

19 MR. SATIN: Mr. Shrenzel, I have no more
20 questions for you at this time.

21 MR. YALOWITZ: We're done.

22 (The deposition concluded at 5:20 p.m.)
23
24
25

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1 CERTIFICATE OF REPORTER

2
3 I, AMY R. KATZ, RPR, do hereby certify:

4 That, prior to being examined, the witness
5 named in the foregoing deposition was duly affirmed by
6 me to testify the truth, the whole truth, and nothing
7 but the truth;

8 That the foregoing deposition was taken before
9 me at the time and place herein set forth, at which time
10 the aforesaid proceedings were stenographically recorded
11 by me and thereafter transcribed by me;

12 That the foregoing transcript, as typed, is a
13 true record of the said proceedings;

14 And I further certify that I am not interested
15 in the action.
16

17 Dated this 22nd day of December, 2013.
18

19
20
21
22
23
24
25

AMY R. KATZ, RPR

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1 CERTIFICATE OF WITNESS/DEPONENT

2
3 I, ISRAEL SHRENZEL, witness herein, do
4 hereby certify and declare the within and foregoing
5 transcription to be my examination under oath in said
6 action taken on October 23, 2013, with the exception
7 of the changes listed on the errata sheet, if any;

8 That I have read, corrected, and do hereby
9 affix my signature under penalty of perjury to said
10 examination under oath.
11
12
13
14
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ISRAEL SHRENZEL, Witness

Date

ERRATA SHEET

Case: MARK I. SOKOLOW, et al. vs. THE PALESTINE
LIBERATION ORGANIZATION, et al.

Date: OCTOBER 23, 2013

Witness: ISRAEL SHRENZEL

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ISRAEL SHRENZEL, Witness Date